

**1 Charlotte Christina Brinkley (Estate)****Case No. 11CEPR00651****Attorney Keene, Thomas J., of Dos Palos (for Petitioner David Brinkley)****Petition for Order to Continue to Operate Decedent's Business Under Probate Code Section 9760; and to Borrow Funds Under Probate Code Section 9760**

|  |   |   |   |
|--|---|---|---|
| <b>DOD: 9/23/2010</b>                                    | <b>DAVID BRINKLEY</b> , son and Administrator appointed on 8/30/2011 with Full IAEA Authority and without bond, is Petitioner.  |   | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br><b><u>Continued from 9/1/2015.</u></b><br>Minute Order states counsel reports that he continues to struggle with the inventory and appraisal. Counsel is ordered to file the inventory and appraisal by no later than 9/29/2015 and the petition for final distribution by no later than 10/20/2015. Counsel is admonished that if the documents are not filed as ordered, his client will be removed. The Court orders counsel's client to be personally present on 9/29/2015.<br><br><b>Note:</b> Spousal Property Petition [in the Estate of Sherman Brinkley, Case #15CEPR00947, filed on 9/24/2015 is set for hearing on <b>11/3/2015</b> .<br><br><b>~Please see additional page for summary of Status Hearing Statement Concerning Final Inventory and Appraisal filed 9/24/2015~</b> |
| <b>Cont. from 090115</b>                                 | <b>Petitioner states:</b>   |   |   |
| <input type="checkbox"/> <b>Aff.Sub.Wit.</b>             | <ul style="list-style-type: none"> <li>Under Probate Code § 9760, the personal representative of an estate may continue to operate the Decedent's business for more than 6 months following the death of the Decedent if the Court determines that it is to the advantage of the estate and in the best interest of the interested persons;</li> </ul>        |   |   |
| <input checked="" type="checkbox"/> <b>Verified</b>      | <ul style="list-style-type: none"> <li>Petitioner requests an order authorizing him to continue to operate Decedent's business of leasing the agricultural real property owned by the estate in return for annual payments from the Lessee, who is the Petitioner/Administrator;</li> </ul>   |   |   |
| <input type="checkbox"/> <b>Inventory</b>                | <ul style="list-style-type: none"> <li>Administrator has been operating the business with some success for over 31 years;</li> </ul>  |   |   |
| <input type="checkbox"/> <b>PTC</b>                      | <ul style="list-style-type: none"> <li>The estate is not in a condition to be closed since the Inventory and Appraisal has not been filed and, once it is filed, this estate will file a spousal property petition to remove the name of the Decedent's late husband, <b>SHERMAN BRINKLEY</b> (DOD 2/18/2010) from the title to the real property;</li> </ul> |   |   |
| <input type="checkbox"/> <b>Not.Cred.</b>                | <ul style="list-style-type: none"> <li>Once that petition is granted, it is anticipated that the estate will close rather quickly since all of the debts of the Decedent have been paid and the heirs have indicated that they will waive the accounting;</li> </ul>  |   |   |
| <input checked="" type="checkbox"/> <b>Notice of Hrg</b> | <ul style="list-style-type: none"> <li>Because this is farm ground which has been under cultivation for many years, it should continue to be cultivated during the administration of the estate in order to produce income to the estate from the assets owned by the estate;</li> </ul>  |   |   |
| <input checked="" type="checkbox"/> <b>Aff.Mail</b>      | <input type="checkbox"/> W<br><input type="checkbox"/> /  | <ul style="list-style-type: none"> <li>It is in the best interests of the estate and the heirs to the estate that the Administrator be allowed to continue to operate the business while he goes through the process of selling the real property.</li> </ul> |   |
| <input type="checkbox"/> <b>Aff.Pub.</b>                 |   |   |   |
| <input type="checkbox"/> <b>Sp.Ntc.</b>                  |   |   |   |
| <input type="checkbox"/> <b>Pers.Serv.</b>               |   |   |   |
| <input type="checkbox"/> <b>Conf. Screen</b>             |   |   |   |
| <input type="checkbox"/> <b>Letters</b>                  |   |   |   |
| <input type="checkbox"/> <b>Duties/Supp</b>              |   |   |   |
| <input type="checkbox"/> <b>Objections</b>               |   |   |   |
| <input type="checkbox"/> <b>Video Receipt</b>            |   |   |   |
| <input type="checkbox"/> <b>CI Report</b>                |   |   |   |
| <input type="checkbox"/> <b>9202</b>                     |   |   |   |
| <input checked="" type="checkbox"/> <b>Order</b>         |   |   |   |
| <input type="checkbox"/> <b>Aff. Posting</b>             |   |   |   |
| <input type="checkbox"/> <b>Status Rpt</b>               |   |   |   |
| <input type="checkbox"/> <b>UCCJEA</b>                   |   |   |   |
| <input type="checkbox"/> <b>Citation</b>                 |   |   |   |
| <input type="checkbox"/> <b>FTB Notice</b>               |   |   |   |
|  |   |   | <b>Reviewed by:</b> LEG   |
|  |   |   | <b>Reviewed on:</b> 9/25/15   |
|  |   |   | <b>Updates:</b>   |
|  |   |   | <b>Recommendation:</b>  |
|  |   |   | <b>File 1 – Brinkley</b>  |

**~Please see additional page~**

**Declaration Under Penalty of Perjury filed by DAVID BRINKLEY on 7/22/2015 states:**

- The principal asset of this estate is agricultural real property which is planted in cotton, tomatoes, alfalfa, cantaloupes, and wheat;
- He has been farming this real property since 1984, when his father, Decedent's husband **SHERMAN BRINKLEY** (DOD 2/18/2010) retired;
- His arrangement to farm this property was documented before either of his parents died;
- The Lease Agreement which he entered into with his parents (*copy attached as Exhibit A*), became effective 1/1/2008, and by its terms is to remain in effect until 1/1/2018;
- Since becoming Administrator of the estate, he has continued to farm the real property subject to the Lease, all of which is owned by the estate;
- His business, **DAVID BRINKLEY FARMS**, has continued to pay the estate the rent required under the terms of the Lease; (*please refer to Profit and Loss statements of Petitioner's business for 2011, 2012, 2013 and 2014, attached as Exhibits B, C, D and E; and crop report attached as Exhibit F*);
- It is his strong belief that it is in the best interest of the estate that the Court allow him to continue to operate the farming business with the assets of the estate at least until the current Lease expires [on 1/1/2018] or this estate is wound up, whichever occurs first.

**Status Hearing Statement Concerning Final Inventory and Appraisal filed 9/24/2015 states:**

- Decedent's husband, **SHERMAN BRINKLEY**, died on 2/18/2010; no action to dispose of the assets owned by him has ever been initiated;
- The Administrator and his Attorney believed there would be no need to obtain an order of the Court with regard to Sherman Brinkley's estate because the real property which is the primary asset of the estate was all held in the name of Sherman Brinkley and Decedent Charlotte Brinkley, as joint tenants;
- It was also thought that the shares of stock owned by Charlotte Brinkley's estate were also in joint tenancy with Sherman Brinkley;
- The Attorney for the Administrator requested the date of death values of the stock, the accrued and other information necessary to prepare the *Final Inventory and Appraisal* on this estate from the stock transfer agents for the three companies in which the stock is held;
- One of those stock transfer agents (American Transfer & Trust Co.) has agreed to provide that information, and it should be in hand by the date of this status hearing;
- The second (Computershare) has provided the information on one of the companies (the Kemper Corp.), but has required a Certified Letter of Appointment showing the requesting party has [been] empowered by the Court to gather the information on Mr. Brinkley's estate;
- The Administrator has therefore filed a *Spousal Property Petition [in the Estate of Sherman Brinkley, Case #15CEPR00947, filed on 9/24/2015]* under Probate Code § 13659 in order to obtain such authority;
- At the time of preparation of this *Status Hearing Statement*, it is unknown how soon the hearing on the *Spousal Property Petition* will be held in order for the Administrator to obtain documentation from the Court that the administrator has the authority under California law to obtain this information.

~Please see additional page~

**NEEDS/PROBLEMS/COMMENTS, continued.** The following issues from the last hearing remain:

1. Pursuant to Probate Code § 8800(b), *Final Inventory and Appraisal* was due **12/30/2011**. Need *Final Inventory and Appraisal*.
2. Pursuant to Probate Code § 12200, first account and/or petition for final distribution was due **8/30/2012**. Need first account and/or petition for final distribution.
3. Notice of Hearing filed 7/27/2015 indicates in Item 1 that notice is given that Petitioner filed a *Petition for Order to Continue to Operate Decedent's Business Under Probate Code Section 9760; and to Borrow Funds Under Probate Code Section 9760*, and indicates that a copy of the Petition and a copy of the Declaration Under Penalty of Perjury was served with the notice. However, the information in Item 1 of the notice is inconsistent with the actual *Petition*, which is captioned *Petition for Order to Continue to Operate Decedent's Business Under Probate Code Section 9760*.
4. It appears the Petitioner as Administrator has been operating Decedent's business for longer than 6 months from the date letters were issued to Petitioner on 8/30/2011, in violation of Probate Code § 9760(b) such that the instant Petition should have been brought in approximately **February 2012**.
5. Proposed order finds that Petitioner may continue to operate the Decedent's farming business during the balance of the term of the Lease [*which expires **1/1/2018***], or until the administration of the estate is completed, whichever occurs first. Proposed order has been interlineated to strike the finding regarding operating the business for the balance of the term of the Lease, pursuant to Probate Code § 12201(c).

**2 Adrian Rivera, Adriana Rivera, Francisco Rivera, Aracelia Rivera, Adolfo Rivera and Anthony Rivera (GUARD/P) Case No. 12CEPR00571**  
 Petitioner: Lidia Larios (pro per)

**Petition for Appointment of Guardian**

**THERE IS NO TEMPORARY.** No temporary was requested.

**LIDIA LARIOS**, non-relative, is petitioner.

Please see petition for details.

**Court Investigator Report filed on 9/23/15.**

**NEEDS/PROBLEMS/COMMENTS:**

1. Need proof of personal service of the Notice of Hearing along with a copy of the petition or consent and waiver of notice or declaration of due diligence on:
  - a. Miguel Rivera (father of Adrian and Adriana)
  - b. Sergio Ramirez (father of Francisco)
  - c. Jose Navarro (father of Aricellia)
  - d. Abel Rivera (father of Abel)
  - e. Manuel Torres (father of Anthony)
2. Need proof of service of the Notice of Hearing along with a copy of the petition or consent and waiver of notice or declaration of due diligence on:
  - a. Paternal grandparents

**Cont. from**

|   |                      |  |
|---|----------------------|--|
|   | <b>Aff.Sub.Wit.</b>  |  |
| ✓ | <b>Verified</b>      |  |
|   | <b>Inventory</b>     |  |
|   | <b>PTC</b>           |  |
|   | <b>Not.Cred.</b>     |  |
| ✓ | <b>Notice of Hrg</b> |  |
| ✓ | <b>Aff.Mail</b>      |  |
|   | <b>Aff.Pub.</b>      |  |
|   | <b>Sp.Ntc.</b>       |  |
|   | <b>Pers.Serv.</b>    |  |
|   |                      |  |
| ✓ | <b>Letters</b>       |  |
| ✓ | <b>Duties/Supp</b>   |  |
|   | <b>Objections</b>    |  |
|   |                      |  |
| ✓ | <b>CI Report</b>     |  |
|   | <b>9202</b>          |  |
| ✓ | <b>Order</b>         |  |
|   | <b>Aff. Posting</b>  |  |
|   | <b>Status Rpt</b>    |  |
| ✓ | <b>UCCJEA</b>        |  |
|   | <b>Citation</b>      |  |
|   | <b>FTB Notice</b>    |  |

**Reviewed by:** KT

**Reviewed on:** 9/23/15

**Updates:**

**Recommendation:**

**File 2 – Rivera**

**Guadalupe Samora (Estate)**

Galindo, Lupe (Pro Per – Former Executor – Petitioner)

Kruthers, Heather H. (for Public Administrator – Current Personal Representative)

Amended First and Final Account and Report of Executor with Will, Amended Petition for Final Distribution

Case No.13CEPR00446

|  |   |  |   |
|--|---|--|---|
| <b>DOD: 1/28/13</b>  |   | <b>LUPE GALINDDO</b> , Niece and Former Executor with Full IAEA without bond, is Petitioner.<br><br><b>Account period: 1/28/13-present</b><br>Accounting: \$170,000.00<br>Beginning POH: \$170,000.00<br>Ending POH: \$170,000.00<br>(933 South 2 <sup>nd</sup> Street, Kingsburg)<br><br>Executor (Statutory): Waives<br><br>Petitioner is the sole heir of the estate pursuant to the decedent's will.<br><br>Petitioner states she has paid the monthly mortgage payments of approx. \$400/month to Wells Fargo since the decedent's death from February 2013 to the present, 27 payments totaling \$11,200.00.<br><br>The California Department of Health Care Services filed a creditor's claim in the amount of \$98,508.40 on 1/13/14 and has filed a Request for Special Notice. | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br><u>Note:</u> On 3/4/15, Petitioner was removed as Executor and the Public Administrator was appointed as personal representative of the estate. The PA has since filed a Corrected Final Inventory and Appraisal reflecting a date of death value of the property of \$110,000.00 as well as a Reappraisal for Sale reflecting a current value of \$132,000.00.<br><br><u>The following issues remain noted:</u><br><br>1. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing on interested parties and parties who have requested special notice per Probate Code §1252:<br>- Probate Referee Steven Diebert (Notice of Hearing filed 9/3/15 included all notice except Mr. Diebert.)<br><br>2. Petitioner had previously informed the Court that she was seeking a hardship waiver from DHS with regard to the creditor's claim. The Court may require information regarding the status of that request.<br><br>3. As previously noted, the estate is not in a position to close, as there does not appear to have been any provision made for payment of the creditor's claim, and Petitioner does not address whether notice of administration has been given to Franchise Tax Board pursuant to Probate Code §9202(c).<br><br>4. This estate was opened with a fee waiver. If assets are distributed pursuant to this probate, filing fees of \$870.00 will be due prior to distribution.<br><br><u>Note:</u> The Court will set a status hearing for the filing of the petition for final distribution by the Public Administrator as appropriate. |
| <b>Cont. from 071415, 082515</b>   |   |  |   |
| <b>Aff.Sub.Wit.</b>  |   |  |   |
| ✓ <b>Verified</b>  |   |  |   |
| <b>Inventory</b>   |   |  |   |
| <b>PTC</b>   |   |  |   |
| <b>Not.Cred.</b>   |   |  |   |
| <b>Notice of Hrg</b>   | x |  |   |
| <b>Aff.Mail</b>  |   |  |   |
| <b>Aff.Pub.</b>  |   |  |   |
| <b>Sp.Ntc.</b>   |   |  |   |
| <b>Pers.Serv.</b>  |   |  |   |
| <b>Conf. Screen</b>  |   |  |   |
| <b>Letters</b>   |   |  |   |
| <b>Duties/Supp</b>   |   |  |   |
| <b>Objections</b>  |   |  |   |
| <b>Video Receipt</b>   |   |  |   |
| <b>CI Report</b>   |   |  |   |
| <b>9202</b>  | x |  |   |
| <b>Order</b>   | x |  |   |
| <b>Petitioner prays for an order that:</b><br>1. Administration be brought to a close;<br>2. This amended account be settled, allowed and approved as filed;<br>3. All acts and proceedings of petitioner as Executor be confirmed and approved;<br>4. Distribution be made to the persons entitled; and<br>5. Such further order be made as the court considers proper. |   |  |   |
| <b>Aff. Posting</b>  |   |  |   |
| <b>Status Rpt</b>  |   |  |   |
| <b>UCCJEA</b>  |   |  |   |
| <b>Citation</b>  |   |  |   |
| <b>FTB Notice</b>  | x |  |   |
| <b>Reviewed by:</b> skc<br><b>Reviewed on:</b> 9/24/15<br><b>Updates:</b><br><b>Recommendation:</b><br><b>File 3 - Samora</b>  |   |  |   |

**Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution**

|  |   |   |
|--|---|---|
| <b>DOD: 08/14/11</b>   | <p><b>MALER ALI TAREB</b>, son, was appointed as Administrator on 07/03/13. Letters of Administration were issued on 07/03/13.</p> <p>Final Inventory &amp; Appraisal filed 07/15/13 - \$85,000.00</p> <p><b>Status Report</b> filed 09/25/15 states: the sole asset of the estate is real property located on S. Winery in Fresno. The Administrator has attempted to work with Wells Fargo Bank on adjusting the loan amount secured by the real property in order to allow a sale of the property in an amount that would benefit the estate. It has just been determined that Wells Fargo has denied all requests for reconsideration. Consequently, a 30 day continuance is requested in order to file a Petition to close the estate and abandon the real property asset of the estate.</p> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>CONTINUED FROM 04/21/15</u></b><br/> <b>Minute Order from 04/21/15 states:</b><br/> <b>The Court will grant the requested 5 month continuance one time.</b></p> <p>1. Need Account/Report of Administrator and Petition for Final Distribution.</p> |
| <b>Cont. from 090514, 092314, 121614, 021715, 042115</b>   |   |   |
| <b>Aff.Sub.Wit.</b>  |   |   |
| <b>Verified</b>  |   |   |
| <b>Inventory</b>   |   |   |
| <b>PTC</b>   |   |   |
| <b>Not.Cred.</b>   |   |   |
| <b>Notice of Hrg</b>   |   |   |
| <b>Aff.Mail</b>  |   |   |
| <b>Aff.Pub.</b>  |   |   |
| <b>Sp.Ntc.</b>   |   |   |
| <b>Pers.Serv.</b>  |   |   |
| <b>Conf. Screen</b>  |   |   |
| <b>Letters</b>   |   |   |
| <b>Duties/Supp</b>   |   |   |
| <b>Objections</b>  |   |   |
| <b>Video Receipt</b>   |   |   |
| <b>CI Report</b>   |   |   |
| <b>9202</b>  |   |   |
| <b>Order</b>   |   |   |
| <b>Aff. Posting</b>  |   |   |
| <b>Status Rpt</b>  |   |   |
| <b>UCCJEA</b>  |   |   |
| <b>Citation</b>  |   |   |
| <b>FTB Notice</b>  |   |   |
| <p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 09/24/15</p> <p><b>Updates:</b> 09/25/15</p> <p><b>Recommendation:</b></p> <p><b>File 4 - Tareb</b></p> |   |   |

**5A AujaNeek Moore & Mary Jane Roberts (GUARD/P) Case No. 13CEPR01049**

Petitioner Debra D. Johnson (Pro Per – Maternal Grandmother – Petitioner)

Petitioner Sherrelle Moore (Pro Per – Maternal Aunt – Competing Petitioner)

Petition for Appointment of Guardian of the Person (AujaNeek)

|                           |               |                           |   |   |
|---------------------------|---------------|---------------------------|---|---|
|                           |               | See petition for details. | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br><b>Note:</b> Maternal Grandmother Debra D. Johnson and Maternal Aunt Sherrelle Moore originally filed competing petitions for both minors.<br><br>On 1/20/15, Ms. Johnson was appointed Guardian of Mary Jane and Ms. Moore was appointed guardian of AujaNeek.<br><br>In this petition, Ms. Johnson seeks guardianship of AujaNeek in addition to Mary Jane.<br><br>Page B is the corresponding Petition for Termination of AujaNeek's Guardianship with Ms. Moore.<br><br>Ms. Moore's competing petition seeking guardianship of Mary Jane in addition to AujaNeek are Pages C and D of this calendar.<br><br>1. Need Notice of Hearing.<br><br>2. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on:<br>- Sherrelle Moore (Guardian)<br>- Anthony Roberts (Father)<br>- AujaNeek Moore (Minor)<br><br>3. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:<br>- Samuel Moore (Maternal Grandfather)<br>- Donald "Ray" Roberts (Paternal Grandfather)<br>- Mary Jane Roberts (Sibling) |   |
| Cont. from 063015, 081815 |               |                           |   |   |
|                           | Aff.Sub.Wit.  |                           |   |   |
| ✓                         | Verified      |                           |   |   |
|                           | Inventory     |                           |   |   |
|                           | PTC           |                           |   |   |
|                           | Not.Cred.     |                           |   |   |
|                           | Notice of Hrg |                           |   | X |
|                           | Aff.Mail      |                           |   | X |
|                           | Aff.Pub.      |                           |   |   |
|                           | Sp.Ntc.       |                           |   |   |
|                           | Pers.Serv.    |                           |   | X |
| ✓                         | Conf. Screen  |                           |   |   |
| ✓                         | Letters       |                           |   |   |
| ✓                         | Duties/Supp   |                           |   |   |
|                           | Objections    |                           |   |   |
|                           | Video Receipt |                           |   |   |
| ✓                         | CI Report     |                           |   |   |
| ✓                         | Clearances    |                           |   |   |
| ✓                         | Order         |                           |   |   |
|                           | Aff. Posting  |                           |   |   |
|                           | Status Rpt    |                           |   |   |
| ✓                         | UCCJEA        |                           |   |   |
|                           | Citation      |                           |   |   |
|                           | FTB Notice    |                           |   |   |
| Reviewed by: skc          |               |                           |   |   |
| Reviewed on: 9/24/15      |               |                           |   |   |
| Updates:                  |               |                           |   |   |
| Recommendation:           |               |                           |   |   |
| File 5A – Moore & Roberts |               |                           |   |   |

**5A**

**5B AujaNeek Moore & Mary Jane Roberts (GUARD/P) Case No. 13CEPR01049**

Petitioner Debra D. Johnson (Pro Per – Maternal Grandmother – Petitioner)

Petitioner Sherrelle Moore (Pro Per – Maternal Aunt – Competing Petitioner)

**Petition for Termination of Guardianship (AujaNeek)**

|                           |                           |  |
|---------------------------|---------------------------|--|
|                           | See petition for details. | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br>4. Need Notice of Hearing.<br><br>5. Need proof of service of Notice of Hearing at least 15 days prior to the hearing per Probate Code §1460(b)(5) on:<br>- Sherrelle Moore (Guardian)<br>- Anthony Roberts (Father)<br>- AujaNeek Moore (Minor)<br>- Mary Jane Roberts (Sibling)<br>- Samuel Moore (Maternal Grandfather)<br>- Donald "Ray" Roberts (Paternal Grandfather) |
|                           |                           |  |
|                           |                           |  |
|                           |                           |  |
|                           |                           |  |
| Cont. from 81815          |                           |  |
| Aff.Sub.Wit.              |                           |  |
| Verified                  |                           |  |
| Inventory                 |                           |  |
| PTC                       |                           |  |
| Not.Cred.                 |                           |  |
| Notice of Hrg             |                           |  |
| Aff.Mail                  |                           |  |
| Aff.Pub.                  |                           |  |
| Sp.Ntc.                   |                           |  |
| Pers.Serv.                |                           |  |
| Conf. Screen              |                           |  |
| Letters                   |                           |  |
| Duties/Supp               |                           |  |
| Objections                |                           |  |
| Video Receipt             |                           |  |
| CI Report                 |                           |  |
| 9202                      |                           |  |
| Order                     |                           |  |
| Aff. Posting              |                           |  |
| Status Rpt                |                           |  |
| UCCJEA                    |                           |  |
| Citation                  |                           |  |
| FTB Notice                |                           |  |
|                           |                           |  |
| Reviewed by: skc          |                           |  |
| Reviewed on: 9/24/15      |                           |  |
| Updates:                  |                           |  |
| Recommendation:           |                           |  |
| File 5B – Moore & Roberts |                           |  |

**5B**



**5C AujaNeek Moore & Mary Jane Roberts (GUARD/P) Case No. 13CEPR01049**

Petitioner Debra D. Johnson (Pro Per – Maternal Grandmother – Petitioner)

Petitioner Sherrelle Moore (Pro Per – Maternal Aunt – Competing Petitioner)

**Petition for Appointment of Guardian of the Person (Mary Jane)**

|                           |               |   |  |
|---------------------------|---------------|---|--|
| See petition for details. |               |   | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br><u>Minute Order 8/18/15:</u><br>Continued due to the service defects.<br><br><u>Update:</u> It appears all service defects have now been cured. |
|                           |               |   |  |
| Cont from 081815          |               |   |  |
|                           | Aff.Sub.Wit.  |   |  |
| ✓                         | Verified      |   |  |
|                           | Inventory     |   |  |
|                           | PTC           |   |  |
|                           | Not.Cred.     |   |  |
| ✓                         | Notice of Hrg |   |  |
| ✓                         | Aff.Mail      | W |  |
|                           | Aff.Pub.      |   |  |
|                           | Sp.Ntc.       |   |  |
| ✓                         | Pers.Serv.    | W |  |
| ✓                         | Conf. Screen  |   |  |
| ✓                         | Letters       |   |  |
| ✓                         | Duties/Supp   |   |  |
|                           | Objections    |   |  |
|                           | Video Receipt |   |  |
| ✓                         | CI Report     |   |  |
| ✓                         | Clearances    |   |  |
| ✓                         | Order         |   |  |
|                           | Aff. Posting  |   |  |
|                           | Status Rpt    |   |  |
| ✓                         | UCCJEA        |   |  |
|                           | Citation      |   |  |
|                           | FTB Notice    |   |  |
|                           |               |   | Reviewed by: skc   |
|                           |               |   | Reviewed on: 9/24/15   |
|                           |               |   | Updates:   |
|                           |               |   | Recommendation:  |
|                           |               |   | File 5C – Moore/Roberts  |

**5C**

**Petitioner**      **Debra D. Johnson (Pro Per – Maternal Grandmother – Petitioner)**  
**Petitioner**      **Sherrelle Moore (Pro Per – Maternal Aunt – Competing Petitioner)**

|                  |                           |   |
|------------------|---------------------------|---|
|                  | See petition for details. | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br><u>Minute Order 8/18/15:</u> Continued due to the service defects.<br><br><u>Update:</u> It appears all service defects have now been cured. |
|                  |                           |   |
|                  |                           |   |
|                  |                           |   |
| Cont from 081815 |                           |   |
| Aff.Sub.Wit.     |                           |   |
| Verified         |                           |   |
| Inventory        |                           |   |
| PTC              |                           |   |
| Not.Cred.        |                           |   |
| Notice of Hrg    |                           |   |
| Aff.Mail         |                           |   |
| Aff.Pub.         |                           |   |
| Sp.Ntc.          |                           |   |
| Pers.Serv.       |                           |   |
| Conf. Screen     |                           |   |
| Letters          |                           |   |
| Duties/Supp      |                           |   |
| Objections       |                           |   |
| Video Receipt    |                           |   |
| CI Report        |                           |   |
| 9202             |                           |   |
| Order            |                           |   |
| Aff. Posting     |                           |   |
| Status Rpt       |                           |   |
| UCCJEA           |                           |   |
| Citation         |                           |   |
| FTB Notice       |                           |   |

**Dept. 303, 9:00 a.m. Tuesday, September 29, 2015**

**6A Julia M. Tubbs (Estate)****Case No. 13CEPR01094****Attorney Burnside, Leigh W. (for Petitioner Abraham Isaak Tubbs, Jr., Administrator, son)****Attorney Deal, Leonard E., (for Objector Jesse R. Tubbs, son)**

**First Amended (1) Petition for Settlement of First and Final Account; (2) for Allowance of Compensation for Ordinary Services as Administrator, (3) for Reimbursement of Advanced Costs, and (4) for Allowance of Ordinary and Extraordinary Attorneys' Fees, and (5) for Final Distribution Subject to a Real Property Lien for Costs of Administration and Debts Owed by the Estate**

|                                     |                      |  |   |
|-------------------------------------|----------------------|--|---|
| <b>DOD: 12/30/2011</b>              |                      | <b>ABRAHAM ISAAK TUBBS, JR.,</b> son and Administrator, is Petitioner.   | <b>NEEDS/PROBLEMS/COMMENTS:</b>   |
|                                     |                      |  | <b><u>Continued from 8/11/2015.</u></b>   |
|                                     |                      | <b>Account period: 12/30/2011 – 12/31/2014</b>   | <b>Page 6B</b> is the Status Hearing Re Settlement.   |
| <b>Cont. from 063015, 081115</b>    |                      | Accounting - <b>\$45,204.74</b>  | <b>Note:</b> Court records show that the filing fee of <b>\$435.00</b> for the initial Petition for Probate filed on 12/17/2013, and that the filing fee of <b>\$435.00</b> for the Petition for Settlement of First and Final Account filed on 3/11/2015, have not yet been paid. Court filing fees of <b>\$870.00</b> are due from the estate. Proposed order finds in Paragraphs 8 and 9 that the estate cash of <b>\$204.74</b> held in the attorney/client trust account will be paid to the Court as partial satisfaction of the filing fees owed and that a real property lien of <b>\$665.26</b> will be authorized for the Court filing fees; a real property lien of <b>\$4,169.30</b> will be authorized for the Attorney fees, costs, and extraordinary fees; a real property lien of <b>\$1,808.19</b> will be authorized for Administrator's commissions; and a real property lien of <b>\$33,750.00</b> will be authorized in favor of the Department of Health Care Services. Depending upon the terms of the settlement, these findings may be inaccurate. |
| <input type="checkbox"/>            | <b>Aff.Sub.Wit.</b>  | Beginning POH - <b>\$45,204.74</b>   |   |
| <input checked="" type="checkbox"/> | <b>Verified</b>      | Ending POH - <b>\$45,204.74</b><br>(real property and \$204.74 cash)   |   |
| <input checked="" type="checkbox"/> | <b>Inventory</b>     | Administrator - <b>\$1,808.19</b><br>(statutory)   |   |
| <input checked="" type="checkbox"/> | <b>PTC</b>           | Attorney - <b>\$1,808.19</b><br>(statutory)  |   |
| <input checked="" type="checkbox"/> | <b>Not.Cred.</b>     | Attorney XO - <b>\$1,693.50</b><br>(per Declaration filed 3/11/2015; for preparation of affidavit-death of joint tenant to clear title (1.10 paralegal hours totaling \$148.50); collection of unclaimed property held by Controller's office @ .10 attorney hours and 7.40 paralegal hours totaling \$1,050.00; attempts to sell property to satisfy claim of DOH @ .70 attorney hours and 1.80 paralegal hours totaling \$495.00;) |   |
| <input checked="" type="checkbox"/> | <b>Notice of Hrg</b> |  |   |
| <input checked="" type="checkbox"/> | <b>Aff.Mail</b>      | W/   |   |
|                                     | <b>Aff.Pub.</b>      |  |   |
| <input checked="" type="checkbox"/> | <b>Sp.Ntc.</b>       |  |   |
|                                     | <b>Pers.Serv.</b>    |  |   |
|                                     | <b>Conf. Screen</b>  |  |   |
|                                     | <b>Letters</b>       | 013014   |   |
|                                     | <b>Duties/Supp</b>   |  |   |
| <input checked="" type="checkbox"/> | <b>Objections</b>    | W/ POS   |   |
|                                     | <b>Video Receipt</b> |  |   |
|                                     | <b>CI Report</b>     |  |   |
| <input checked="" type="checkbox"/> | <b>9202</b>          | Court Costs - <b>\$870.00</b><br>(filing fees; due prior to distribution;)   |   |
| <input checked="" type="checkbox"/> | <b>Order</b>         | Attorney Costs - <b>\$667.61</b><br>(recording fees, probate referee, publication, certified copies;)  |   |
|                                     | <b>Aff. Posting</b>  | <b>~Please see additional page~</b>  | <b>Reviewed by:</b> LEG   |
|                                     | <b>Status Rpt</b>    |  | <b>Reviewed on:</b> 9/25/15   |
|                                     | <b>UCCJEA</b>        |  | <b>Updates:</b>   |
|                                     | <b>Citation</b>      |  | <b>Recommendation:</b>  |
| <input checked="" type="checkbox"/> | <b>FTB Notice</b>    |  | <b>File 6A - Tubbs</b>  |

**6A****Dept. 303, 9:00 a.m. Tuesday, September 29, 2015**

**Petitioner states:**

- Creditor's Claims were filed by the Department of Health (DOH); **\$47,781.76** for benefits to **ABRAHAM TUBBS**, predeceased spouse of Decedent; and **\$132,174.44** for Decedent; both of the heirs of the estate filed hardship waivers with DOH; the hardship waiver filed by Petitioner Abraham Isaak Tubbs, Jr., was denied by DOH as to both Creditor's Claims;
- Based on information and belief, DOH approved the hardship waiver for **JESSE ROGER TUBBS**, son, as to the Creditor's Claim filed regarding the Decedent, but denied the hardship waiver as to the claim for Abraham Tubbs (Decedent's spouse);
- The estate does not have cash available to pay the creditors' claims and they remain unpaid;
- The DOH has requested that Petitioner include the following language in both the *Petition* and order for final distribution:
  1. "Distribution is subject to a LIEN *[in the amount of \$33,750.00]* in favor of the STATE OF CALIFORNIA, DEPARTMENT OF HEALTH CARE SERVICES, on the real property located in the County of Fresno, State of California, described as *[real property legal description omitted; terms of repayment omitted]*;
- Initially, it was believed that 3 unclaimed properties may belong to the estate; **\$204.74** from ADT Security is an estate asset *[included on a Supplemental I & A filed 10/27/2014]*; upon further research, it was discovered that in fact **\$4,616.73** was monies deposited by Petitioner's parents while Petitioner was incarcerated and belongs to Petitioner as his sole and separate property; a safe deposit box was established by Decedent's parents at Guarantee Savings (acquired by Citibank) and Petitioner's father included Petitioner's name as a signer for accessing the contents; Petitioner found the following in the safe deposit box:
  1. One man's gold wedding band, belonging to Petitioner's father (Decedent's husband); Petitioner still has this gold band in his possession;
  2. One woman's gold wedding ring with seven small diamonds, belonging to Decedent; Petitioner still has this gold ring in his possession;
  3. One small baby ring with two small diamonds on gold band; Petitioner alleges this ring belonged to him and he has sold the ring;
  4. Two small children's gold bracelets; Petitioner alleges these bracelets belonged to him and he has sold the bracelets;
- Petitioner has been unable to proceed with the sale of the real property and house to pay the costs of administration and debts of the estate due to the fact that the remaining heir, **JESSE ROGER TUBBS**, son, resides in the house and refuses to vacate the premises or pay rent;
- Based on information and belief, all real property taxes due and payable by the estate have been paid by **JESSE ROGER TUBBS**;
- Unpaid costs of administration include filing fees of **\$870.00**; DOH claims of **\$47,781.76** and **\$132,174.44**; Petitioner's compensation of **\$1,808.19**; statutory and **\$1,693.50** extraordinary compensation of **\$1,808.19** to Petitioner's attorney; **\$667.61** costs advanced by attorney; closing expenses *[listed fully on Page 7 paragraph 25 (A) through (G)]*.

~Please see additional page~

**Proposed Distribution pursuant to intestate succession is to:**

1. **ABRAHAM ISAAK TUBBS, JR.** – One man's gold wedding band; and **½ interest in real property, subject to the following liens** payable in the following order of priority pursuant to Probate Code § 11420, due upon the death of the distributees, or the sale or transfer of the real property, or escrow funding, or default in payments:
  - Court filing fees of **\$870.00** less **\$204.74** cash in estate for a total of **\$665.26**;
  - Statutory attorney fees of **\$1,808.19** and extraordinary fees of **\$1,693.50** and costs advanced of **\$667.61** for a total of **\$4,169.30**;
  - Statutory administrator commissions to Petitioner of **\$1,808.19**;
  - Lien in favor of the State of California, Department of Health Care Services, on the real property (including the terms as stated in the proposed order).
  
2. **JESSE ROGER TUBBS** – One woman's gold wedding ring with 7 small diamonds; and **½ interest in real property, subject to the following liens** payable in the following order of priority pursuant to Probate Code § 11420, due upon the death of the distributees, or the sale or transfer of the real property, or escrow funding, or default in payments:
  - Court filing fees of **\$870.00** less **\$204.74** cash in estate for a total of **\$665.26**;
  - Statutory attorney fees of **\$1,808.19** and extraordinary fees of **\$1,693.50** and costs advanced of **\$667.61** for a total of **\$4,169.30**;
  - Statutory administrator commissions to Petitioner of **\$1,808.19**;
  - Lien in favor of the State of California, Department of Health Care Services, on the real property (including the terms as stated in the proposed order).

**Request by JESSE R. TUBBS to Take Judicial Notice of State of California Department of Health Care Services Action and California Code of Regulations; and Declaration of Leonard E. Deal to Support Request was filed 6/19/2015, and states:**

- Respondent requests the Court take judicial notice of the attached copies of documents:
  1. Grant of Hardship Waiver: Under Evidence Code §§ 451(b) and 452(c) as an official act of an executive department:
    - State of California Department of Health Care Services 8/27/2014 grant to Jesse Tubbs of 22 CCR § 50963(a)(4) hardship waiver of lien claim against the Estate of Julia Tubbs;
  2. California Code of Regulations: Under Evidence Code § 452(b):
    - Section 50960.36, definition of Voluntary Post-Death Lien, agreed to and placed on real property to secure payment of lien;
    - Section 50961(e), Estate Claims, subject to waiver of proportionate share when granted;
    - Section 50963(a)(4), Substantial Hardship Criteria;
    - Section 50965(d)(e), Voluntary Post-Death Lien, monthly amount based on ability to pay and full payment due on sale of property;
  3. Respondent **JESSE R. TUBBS** submits that the exhibits attached hereto are sufficient information for the Court to take judicial notice of the documents and contents to the extent allowed by law.

**~Please see additional page~**

**Declaration of Leonard Deal** states all of the items attached to the request to take judicial notice are true and accurate copies of the documents represented; he obtained the 8/27/2014 grant of hardship from Respondent Jesse R. Tubbs; he obtained all items represented as California Code of Regulations from the Westlaw Next California Code of Regulations website.

**Response of JESSE R. TUBBS to ABRAHAM ISAAK TUBBS, JR., to First Amended Petition for Settlement of First and Final Account, etc., filed on 6/19/2015 states:**

- Jesse Tubbs, a widower, responds and objects to the Petitioner's First Amended Petition, and repeats the relevant portions of Respondents 4/17/2015 Response to the original petition to avoid the need for referral back to the 4/17/2015 response;
- Summary of Response, Objections, and Proposed Lien: Petitioner and Jesse are the only two children and therefore the only two heirs of the intestate Decedent Julia Tubbs and her late husband, Abraham Tubbs; the objections and contentions involve the Department of Health Care Services liens on the residence on West San Joaquin Street in Fresno; the contentions also relate to the form of the proposed lien, not the need for a lien for securing payment of the Court filing fee, compensation, and costs;
- Respondent Jesse Tubbs denies that the **\$4,616.73** was deposited for Petitioner's benefit; and also denies that the small baby ring or the children's bracelets belonged to Petitioner; in the interest of resolving this case, Respondent does not object to the accounting; Respondent does not object to the requested attorney fee for ordinary services, administrator commission, advanced costs, or statement of unpaid court filing fees; Respondent takes no position on the request for extraordinary attorney fee;
- Respondent Jesse Tubbs consents to the proposed distribution of the man's gold wedding band and the woman's wedding ring;
- Respondent Jesse Tubbs will consent to the distribution of the residence to Petitioner Abraham IsaaK Tubbs, Jr., and Jesse R. Tubbs, as tenants in common, each as to an undivided 50% interest, with Respondent's consent conditioned upon allocation and statement of the liens proposed in the form set forth by Respondent herein;
- Respondent Jesse Tubbs consents to a voluntary post death lien in favor of the State of California Department of Health Care Services in the amount of **\$11,500.00** against his undivided **50%** interest in the form set forth herein;
- Respondent Jesse Tubbs objects to the form of distribution as proposed by Petitioner as failing to adequately state the interests of the distributees in substance and form;
- History of Residence and Occupancy: Jesse Tubbs resided in the residence from the purchase in 1973 at his age 10 until leaving for college; Jesse returned to the residence in June 1997 after a disability discharge from the U.S. Army as the result of an injury; Jesse has resided in the property since 1997 continuously to the present time;
- Jesse Tubbs has paid all of the property taxes, insurance, and maintenance on the residence since the death of Julia M. Tubbs in December 2011; before and after the death of Abraham Tubbs on 5/6/2001, Jesse Tubbs has paid a portion of and sometimes all of taxes, insurance, and maintenance; No residence would still exist if Jesse Tubbs had not paid the taxes, insurance, maintenance and other expenses; Abraham Tubbs Jr. has not ever paid any of the taxes, insurance, maintenance and other expenses of the residence;
- Out of failure to understand the need for a creditor's claim, Respondent Jesse Tubbs missed the deadline to file a creditor's claim for reimbursement of expenses paid for the residence;
- Jesse Tubbs did not agree to the demand by the administrator's attorneys to vacate the premises for the practical reason that living in the property and paying expenses preserved the property; no legal basis existed for a demand to pay rent;

**~Please see additional page~**

**Response of JESSE R. TUBBS filed 6/19/2015, continued:**

- The result of complying with the demands would have been the loss of the benefit of the waiver by the Department of Health Care Services, generation of additional attorney fee and administrator commission, and would have missed the opportunity to use the hardship waiver granted by the Department of Health Care Services;
- Department of Health Care Services Waiver of Proportionate Share of Claim as to Jesse R. Tubbs: Respondent Jesse Tubbs applied for waivers of his proportionate share of the Department of Health Care Services claims against the estates of his father Abraham Tubbs and his mother Julia Tubbs (Decedent); the waiver was granted to Jesse Tubbs as to the estate of Julia Tubbs (*copy attached*);
- The waiver was denied to Respondent Jesse Tubbs as to the estate of Abraham Tubbs; the 4/30/2011 letter of Attorney Joy Docktor (*copy at Exhibit A*), notes that Respondent Jesse Tubbs did not pursue the appeal through Central California Legal Services; Respondent nonetheless appealed the administrative denial, and the appeal was denied after the hearing;
- Respondent Jesse Tubbs alleges that under the law and regulations, the distribution by this Court needs to reflect the grant of the waiver to Respondent Jesse Tubbs as to the Department of Health Care Services claim against Julia Tubbs;
- Respondent Jesse Tubbs further alleges that under the regulations the amount that the Department of Health Care Services will require Jesse Tubbs to pay based on his income and expenses will differ from the amounts that Abraham Tubbs will be required to pay;
- Respondent Jesse Tubbs alleges that the full amount of both Department of Health Care Services claims at the appraised value of the Decedent's estate would be **\$45,000.00**; Respondent Jesse Tubbs alleges that prior to the 4/27/2015 hearing in this Court the amount of the Department of Health Care Services asserted line was **\$22,500.00**; since that hearing the Department of Health Care Services has raised the total claim to **\$33,750.00**, an additional **\$11,250.00**;
- Respondent Jesse Tubbs alleges that the additional **\$11,250.00** in the Department of Health Care Services claim is ½ of the **\$22,500.00** relating to the Estate of Julia Tubbs;
- The attached copy of the letter from Joy Docktor, Central California Legal Services, to Respondent Jesse Tubbs analyzing the Department of Health Care Services lien, and concluding that the waiver granted to Respondent reduced his proportional share of the total claim to **\$11,250.00**;
- Respondent alleges that that ½ interest of Abraham Tubbs Jr. in the residence would be subject to a proportionate share claim of **\$22,500.00**;
- Corrections Needed to Distribution Paragraphs: Respondent alleges the lien for reimbursement to the Department of Health Care Services does not reflect the granting of the waiver to Respondent Jesse Tubbs and deprives Respondent of the waiver, contrary to law; the proposed lien does not reflect that Abraham Tubbs Jr. and Respondent Jesse Tubbs may be required to make different monthly payments to the Department of Health Care Services;

**Respondent Jesse Tubbs requests that the Court order that** Petitioner Abraham Tubbs Jr. is required to submit to the Court and Respondent's review an order for distribution in *[the form stated on Pages 8 to 12 of Response; omitted here.]*

**Respondent Jesse R. Tubbs Points and Authorities in Support of Response and Objections to First Amended Petition for Settlement, etc.**, was filed on 6/25/2015, with proof of service to Attorney Burnside and Department of Health.

**Memorandum of Points and Authorities in Reply to Jesse Tubbs' Response, etc.**; and **Request for Judicial Notice in Support of Reply to Jesse Tubbs' Response, etc.**, were filed 6/29/2015.

Attorney Burnside, Leigh W. (for Petitioner Abraham Isaak Tubbs, Jr., Administrator, son)  
 Attorney Deal, Leonard E., (for Objector Jesse R. Tubbs, son)

## Probate Status Hearing Re: Settlement

|  |  |   |
|--|--|---|
| <b>DOD: 12/30/2011</b>                         | <b>ABRAHAM ISAAK TUBBS, JR.</b> , son and Administrator, filed a First Amended (1) Petition for Settlement of First and Final Account; (2) for Allowance of Compensation for Ordinary Services as Administrator, (3) for Reimbursement of Advanced Costs, and (4) for Allowance of Ordinary and Extraordinary Attorneys' Fees, and (5) for Final Distribution Subject to a Real Property Lien for Costs of Administration and Debts Owed by the Estate on 5/19/2015.   | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br><u>Continued from 8/11/2015.</u> Minute Order states counsel represents that the parties have reached an agreement in principle and need time to reduce it to writing. |
| <b>Cont. from 081115</b>                       |  |   |
| <input type="checkbox"/> Aff.Sub.Wit.          |  |   |
| <input checked="" type="checkbox"/> Verified   |  |   |
| <input type="checkbox"/> Inventory             | <b>Response of JESSE R. TUBBS to ABRAHAM ISAAK TUBBS, JR.</b> , to First Amended Petition for Settlement of First and Final Account, etc., was filed on 6/19/2015.   |   |
| <input type="checkbox"/> PTC                   |  |   |
| <input type="checkbox"/> Not.Cred.             |  |   |
| <input type="checkbox"/> Notice of Hrg         | <b>Minute Order dated 6/30/2015</b> from the First Amended Petition set a Status Hearing Re Settlement on 8/11/2015.   |   |
| <input checked="" type="checkbox"/> Aff.Mail   | <b>Status Report filed by Attorney Burnside on 9/22/2015 states:</b>   |   |
| <input type="checkbox"/> Aff.Pub.              | <ul style="list-style-type: none"> <li>A dispute arose between Administrator and his brother, Jesse R. Tubbs, only heirs of Decedent's estate, regarding the disposition of the assets of the estate and their individual responsibility for Decedent's indebtedness to the Department of Health Care Services (DHCS);</li> <li>The parties continue to work through their attorneys to resolve the dispute and have reached a settlement in principle;</li> <li>The terms of the settlement require the consent of the DHCS, as there will be a lien recorded in favor of the DHCS against the real property of the estate, which property will be distribute to Jesse R. Tubbs under the terms of the settlement;</li> <li>Attorney Leonard Deal for Jesse R. Tubbs has taken the laboring oar in the discussions with the DHCS regarding the specific terms of the proposed lien;</li> <li>Mr. Deal has also prepared a draft stipulation, which she has reviewed;</li> <li>Once Mr. Deal completes the discussions with DHCS and the terms of the lien are agreed upon by his client and DHCS, the stipulation can be signed by the parties and submitted to the Court for approval;</li> <li>She requests the Court continue the matter for another <b>30 days</b> to allow Mr. Deal to conclude discussions with DHCS and complete the stipulation.</li> </ul> |   |
| <input type="checkbox"/> Sp.Ntc.               |  |   |
| <input type="checkbox"/> Pers.Serv.            |  |   |
| <input type="checkbox"/> Conf. Screen          |  |   |
| <input type="checkbox"/> Letters               |  |   |
| <input type="checkbox"/> Duties/Supp           |  |   |
| <input type="checkbox"/> Objections            |  |   |
| <input type="checkbox"/> Video Receipt         |  |   |
| <input type="checkbox"/> CI Report             |  |   |
| <input type="checkbox"/> 9202                  |  |   |
| <input type="checkbox"/> Order                 |  |   |
| <input type="checkbox"/> Aff. Posting          |  |   |
| <input checked="" type="checkbox"/> Status Rpt |  |   |
| <input type="checkbox"/> UCCJEA                |  |   |
| <input type="checkbox"/> Citation              |  |   |
| <input type="checkbox"/> FTB Notice            |  |   |
|  |  | <b>Reviewed by:</b> LEG<br><b>Reviewed on:</b> 9/25/15<br><b>Updates:</b><br><b>Recommendation:</b><br><b>File 6B – Tubbs</b>   |



**Petition for First and Final Account and Report of Executor and for Allowance of Statutory Compensation and Necessary Fees and Costs for Final Distribution.**

|                                     |                        |   |  |
|-------------------------------------|------------------------|---|--|
| <b>DOD: 2/3/14</b>                  |                        | <b>PAUL ANTHONY TOSTE</b> , Executor, is petitioner.  | <b>NEEDS/PROBLEMS/COMMENTS:</b>  |
|                                     |                        |   |  |
|                                     |                        | Account period: 2/3/14 – 7/31/14  | <b>NEED AMENDED ACCOUNTING</b> based on but not limited to the following:  |
|                                     |                        |   |  |
| <b>Cont. from</b>                   |                        | Accounting - <b>\$385,339.29</b>  | <ol style="list-style-type: none"> <li>Accounting does not balance. Credits total \$385,339.29 and charges total \$378,381.89. A difference of 6,957.40.</li> <li>Summary of Account shows property on hand at the end of the account period as \$0. However petition includes a proposed distribution.</li> <li>Inventory and appraisal lists three promissory notes totaling \$305,000.00 however proposed distribution is all cash. Need clarification.</li> <li>Need property on hand schedule.</li> <li>Need schedule showing changes in the form of assets for all property listed in the inventory and appraisal.</li> <li>Inventory and appraisal is incomplete at #3 as to whether or not the property listed is all or a portion of the property that has come to the knowledge or possession of the executor.</li> <li>The inventory and appraisal does not include the original signature of the probate referee.</li> </ol> |
| <input type="checkbox"/>            | <b>Aff.Sub.Wit.</b>    | Beginning POH - <b>\$346,953.25</b>   |  |
| <input checked="" type="checkbox"/> | <b>Verified</b>        | Ending POH - <b>\$0</b>   |  |
| <input checked="" type="checkbox"/> | <b>Inventory</b>       | Attorney (statutory) - <b>\$10,706.79</b>   |  |
| <input checked="" type="checkbox"/> | <b>PTC</b>             |   |  |
| <input checked="" type="checkbox"/> | <b>Not.Cred.</b>       | Attorney costs - <b>\$1,957.50</b><br>(filing fee, certified copies, publication, probate referee)  |  |
| <input checked="" type="checkbox"/> | <b>Notice of Hrg</b>   |   |  |
| <input checked="" type="checkbox"/> | <b>Aff.Mail</b>        | Executor (statutory) - <b>\$10,706.79</b>   |  |
|                                     | <b>Aff.Pub.</b>        |   |  |
|                                     | <b>Sp.Ntc.</b>         | Closing - <b>\$1,000.00</b>   |  |
|                                     | <b>Pers.Serv.</b>      |   |  |
|                                     | <b>Conf. Screen</b>    | <b>Proposed distribution pursuant to Decedent's Will, is to:</b>  |  |
| <input checked="" type="checkbox"/> | <b>Letters</b> 5/30/14 | Ladies of the Free Will Baptist Church - \$500.00   |  |
|                                     | <b>Duties/Supp</b>     | Virginia Priebe, Alexis Zerga, Alice Sanchez & Robert Nevins \$ 1,000.00 each.  |  |
|                                     | <b>Objections</b>      | Theresa Toste, Kara Brown, Melissa Zerga, Kellie Armstrong, Jacqueline Texeira, Kristi Texeira, Timothy Toste, Paul Toste III, Fay Vallandingham, & Marie Ramsey - \$200.00 each. |  |
|                                     | <b>Video Receipt</b>   | Paul Toste, James Toste & Rebecca Teixeira - \$92,616.22 each.  |  |
|                                     | <b>CI Report</b>       | Virginia Priebe & Alexis Zerga - \$23,154.06 each   |  |
| <input checked="" type="checkbox"/> | <b>9202</b>            |   |  |
| <input checked="" type="checkbox"/> | <b>Order</b>           |   |  |
|                                     | <b>Aff. Posting</b>    |   |  |
|                                     | <b>Status Rpt</b>      |   |  |
|                                     | <b>UCCJEA</b>          |   |  |
|                                     | <b>Citation</b>        |   |  |
| <input checked="" type="checkbox"/> | <b>FTB Notice</b>      | Caroline Toste - Blue Stone Ring  |  |
|                                     |                        |   | <b>Please see additional page</b>  |
|                                     |                        |   | <b>Reviewed by:</b> KT   |
|                                     |                        |   | <b>Reviewed on:</b> 9/24/15  |
|                                     |                        |   | <b>Updates:</b>  |
|                                     |                        |   | <b>Recommendation:</b>   |
|                                     |                        |   | <b>File 7 - Vallandingham</b>  |

8. Need dated of death of all deceased beneficiaries. Local Rule 7.1.1D.
9. Proposed order includes distribution of a Blue Stone Ring stating this gift was completed before death. The ring was not inventoried and was gifted prior to the decedent's death therefore it should not be included in the order.

**First and Final Account and Report of Executor and Petition for Its Settlement, for Deferral of Creditor Claims in and Insolvent Estate, and for Allowance of Compensation for Services**

|  |  |   |
|--|--|---|
| <b>DOD: 05/02/14</b>                                     | <b>ROBERT W. TRICE</b> , Executor, is Petitioner.  | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br>1. Need proof of service of Notice of Hearing and a copy of the First and Final Account at least 15 days prior to the hearing for The Department of Health Care Services pursuant to their Request for Special Notice filed 01/02/15. (Probate Code § 1250, 1252). The Petition also states that a copy of the Petition will be mailed to all Creditors. Need proof of service to all creditors. |
|  | Account period: <b>05/02/14 – 07/31/15</b>   |   |
|  | Accounting - <b>\$86,047.81</b>  |   |
| <b>Cont. from</b>  | Beginning POH - <b>\$73,045.66</b>   |   |
| <input type="checkbox"/> <b>Aff.Sub.Wit.</b>             | Ending POH - <b>\$7,201.21</b> (all cash)  |   |
| <input checked="" type="checkbox"/> <b>Verified</b>      | Executor - <b>\$3,418.26</b>   |   |
| <input checked="" type="checkbox"/> <b>Inventory</b>     | (statutory) ( <b>\$2,885.35</b> to be paid due to the funds available in the estate)   |   |
| <input checked="" type="checkbox"/> <b>PTC</b>           | Attorney - <b>\$3,418.26</b>   |   |
| <input checked="" type="checkbox"/> <b>Not.Cred.</b>     | (statutory) ( <b>\$2,885.35</b> to be paid due to the funds available in the estate)   |   |
| <input checked="" type="checkbox"/> <b>Notice of Hrg</b> | Costs - <b>\$1,430.50</b> (filing fees, publication, certified copies, probate referee)  |   |
| <input checked="" type="checkbox"/> <b>Aff.Mail</b> w/o  | Petitioner states that the estate is insolvent as there are no funds to pay the expenses of administration and the statutory commissions. Therefore the creditor's claims totaling \$26,128.84 will not be paid and there will be no funds available to disburse to the heirs of the estate. |   |
| <b>Aff.Pub.</b>  |  |   |
| <b>Sp.Ntc.</b>   |  |   |
| <b>Pers.Serv.</b>  |  |   |
| <b>Conf. Screen</b>                                      |  |   |
| <b>Letters</b> 08/21/14                                  |  |   |
| <b>Duties/Supp</b>                                       |  |   |
| <b>Objections</b>  |  |   |
| <b>Video Receipt</b>                                     |  |   |
| <b>CI Report</b>   |  |   |
| <input checked="" type="checkbox"/> <b>9202</b>          |  |   |
| <input checked="" type="checkbox"/> <b>Order</b>         |  |   |
| <b>Aff. Posting</b>                                      |  |   |
| <b>Status Rpt</b>  |  |   |
| <b>UCCJEA</b>  |  |   |
| <b>Citation</b>  |  |   |
| <input checked="" type="checkbox"/> <b>FTB Notice</b>    |  |   |
| <b>Reviewed by:</b> JF                                   |  |   |
| <b>Reviewed on:</b> 09/24/15                             |  |   |
| <b>Updates:</b>  |  |   |
| <b>Recommendation:</b>                                   |  |   |
| <b>File 8 – Trice</b>                                    |  |   |

9A  
Atty  
Atty  
Atty

# Octavio & Mary Ruelas 2001 Family Trust

Case No. 14CEPR00929

Walters, Jennifer L. (for Irma Hicks – Co-Trustee – Petitioner)

Donohue, Francis T, III, (of Newport Beach, CA, for Jesse Joe Ruelas – Co-Trustee – Objector)

Ruelas, Angela (Pro Per – Beneficiary – Objector)

## Petition for Instructions Regarding Life Estate of Angela Ruelas and Removal of Co-Trustee of The Octavio and Mary Ruelas Family Trust

|  |   |  |
|--|---|--|
| <b>Octavio Ruelas</b><br><b>DOD: 6-7-06</b>              | <p><b>IRMA HICKS</b>, a Co-Trustee of the Octavio and Mary Ruelas Family Trust, is Petitioner.</p> <p><b>Petitioner states</b> she and <b>JESSE JOE RUELAS</b> were named as joint successor trustees; however, since Mary Ruelas' passing, Jesse Ruelas has not been abiding by this provisions of the trust and has been making decisions regarding trust property without Petitioner's approval or knowledge.</p> <p>Article VIII, Section C of the trust provides a life estate in the trust property located at 61 N. DeWitt Ave., in Clovis to Angela Ruelas, and states that should Angela Ruelas choose not to live in said property or upon her death, the property shall be held in trust with any income distributed in equal shares to the seven heirs, approx. 14.28% each.</p> <p>Petitioner states Angela has indicated she would be granting residency in the property to Christina Ruelas, who is Co-Trustee Jesse Ruelas' daughter. Angela indicates she has made personal arrangements with Christina regarding rent and the monies are being collected by Angela without any benefit to the trust.</p> <p>Petitioner states the beneficiaries, all siblings, cannot come to an agreement as to whether this is an acceptable method for Angela to secure her life estate.</p> <p>Petitioner states that according to the provisions of the trust, if Angela Ruelas chooses not to live in the home, it reverts back to trust property and is under the exclusive control of the trustees to determine the appropriate resolution regarding the property. Co-Trustee Jesse Ruelas' position is that Angela has the right to have anyone in the property she wishes during her life estate, even if she is not living in the home. This causes Petitioner concern regarding his motives, since the person living in the home is his daughter. She is receiving a great benefit from living in the home at the expense of all the beneficiaries.</p> <p><b>Therefore, Petitioner requests instructions regarding the life estate of Angela Ruelas.</b> Considering her non-compliance with the provision indicating that she must live in the home to ratify the life estate, Petitioner is requesting the Court instruct the 61 N. DeWitt property to revert back to trust property to be under the exclusive control of the Co-Trustees.</p> <p><b><u>SEE ADDITIONAL PAGES</u></b></p> | <b>NEEDS/PROBLEMS/COMMENTS:</b>  |
| <b>Mary Ruelas</b><br><b>DOD: 6-11-14</b>                |   | <b>Minute Order 8/11/15:</b><br><b>Parties have reached an agreement and request a status hearing in 45 days.</b>  |
| <b>Cont from 120114, 012615, 081115</b>                  |   | <b>The following items remain noted for reference:</b>   |
| <b>Aff.Sub.Wit.</b>                                      |   | <b>1. The petition does not state the names and addresses of each person entitled to notice of this petition, which includes Petitioner, pursuant to Probate Code §17201. Need verified declaration with this information.</b> |
| <input checked="" type="checkbox"/> <b>Verified</b>      |   | <b>2. It is unclear if Christina is currently residing in the home at this time. The Court may require 30 days' notice to Christina Ruelas pursuant to Probate Code §17203(c) or other applicable law.</b>                     |
| <b>Inventory</b>   |   | <b>3. Need order pursuant to Local Rule 7.1.1.F.</b>   |
| <b>PTC</b>   |   | <b>Reviewed by: skc</b>  |
| <b>Not.Cred.</b>   |   | <b>Reviewed on: 9/24/15</b>  |
| <input checked="" type="checkbox"/> <b>Notice of Hrg</b> |   | <b>Updates:</b>  |
| <input checked="" type="checkbox"/> <b>Aff.Mail</b> W    |   | <b>Recommendation:</b>   |
| <b>Aff.Pub.</b>  |   | <b>File 9A - Ruelas</b>  |
| <b>Sp.Ntc.</b>   |   |  |
| <b>Pers.Serv.</b>  |   |  |
| <b>Conf. Screen</b>                                      |   |  |
| <b>Letters</b>   |   |  |
| <b>Duties/Supp</b>                                       |   |  |
| <b>Objections</b>  |   |  |
| <b>Video Receipt</b>                                     |   |  |
| <b>CI Report</b>   |   |  |
| <b>9202</b>  |   |  |
| <b>Order</b> x   |   |  |
| <b>Aff. Posting</b>                                      |   |  |
| <b>Status Rpt</b>  |   |  |
| <b>UCCJEA</b>  |   |  |
| <b>Citation</b>  |   |  |
| <b>FTB Notice</b>  |   |  |

9A

**Page 2**

**Jesse Joe Ruelas, Co-Trustee, filed Answer and Objections on 11-14-14.** Mr. Ruelas denies that he has not been abiding by the provisions of the trust and denies that he has been making decisions without Petitioner's approval or knowledge. The only dispute concerns the life estate. Respondent believes it was his parents' wishes that their youngest daughter, Angela Ruelas, was to be given a life estate in the property and is entitled to possession of the property. Petitioner disagrees.

Respondent states that the fact that he disagrees with Petitioner on this matter is not a reason to remove him as co-trustee. Respondent is concerned that if he is removed, Petitioner will ignore the terms of the trust. Petitioner wanted her son Matthew to have the home, and was upset when their mother asked Matthew to move out. Respondent states Petitioner is also upset that the home was left to Angela and Angela has not agreed to give or rent the home to Matthew.

Respondent states the only assets of the trust that he is aware of are the home and personal property at the home. There is a separate property in Ensenada being overseen by Petitioner; however, Respondent doesn't know if it is part of the trust.

Respondent states Angela has stated that she intends to return to live in the property and believes that she has been moving items into the home. Respondent is informed that Angela has allowed Christina Ruelas and her child to also reside at the home, and they have use of two bedrooms, and the others are for Angela.

Respondent believes the Court should determine the meaning of the trust terms, and this issue about Angela Ruelas' life estate in the property. Respondent denies that he has any hostility or has refused to cooperate with Petitioner as his co-trustee, and states he is not being guided in his actions by the fact that Christina is his daughter. Respondent believes Angela is entitled to the home, and Petitioner wants her out of the home so that she can rent it to her son.

**See Answer for additional information. See also Points and Authorities filed concurrently. Respondent prays:**

1. That the Court instruct the parties as to what, if anything, Angela Ruelas needs to do to obtain the life estate in the home and property at 61 N. DeWitt;
2. That the Court instruct the parties that Angela Ruelas has been granted a life estate in the home and property at 61 N. DeWitt;
3. That the Court declare that Angela Ruelas' life estate has not terminated;
4. That the court deny Petitioner's demand that Jesse J. Ruelas be removed as a co-trustee of the trust;
5. That Jesse J. Ruelas be reimbursed his costs and attorney fees for responding to this petition and motion; and
6. For such other relief as the Court deems just.

**Angela Ruelas also filed an Answer and Objection on 11-18-14.**

**SEE ADDITIONAL PAGES**

## Page 3

Angela Ruelas states she does want to live in the home and has moving clothes and possessions into the home and purchasing furniture for the home. She agreed to sublet a portion of the home to a relative, Christina, and her child, in return for Christina contributing to pay the costs of keeping up the house, taxes, etc. Angela states she is keeping the other two bedrooms for her use alone and intends to live in the home while Christina also resides there.

Angela Ruelas states she has already done all that she needs to do to "secure" her life interest in the home and the life interest was granted to her without any conditions precedent that she had to meet before she is given the life estate. It is her understanding that the life estate continues until she dies or chooses not to live there. Neither of these conditions has occurred. Angela requests the Court say what must be done so that she can do it.

Angela Ruelas states she has tried to pay for instucance, gardener, property taxes, and other costs associated with the home, but Petitioner has interfered and made it impossible for her to pay costs directly. For example, the gardener refused to take the payment, stating that Petitioner told him not to take payments from Angela Ruelas. She has also tried to reimburse the trust for various costs and expenses, but Petitioner has refused to cash the check. She has been able to pay utilities and home warranty, and remains ready and willing to pay the other expenses, if Petitioner were not preventing it. Various authority cited.

Angela Ruelas further states that Petitioner entered the home and removed property that was supposed to stay with the home, including furniture, and requests that Petitioner return specific items.

**Angela Ruelas prays:**

1. That the Court deny Petitioner's request that the court find that her life estate in the property is terminated;
2. That the Court give instructions and declare that she has a life estate in the home and that there were no conditions precedent to her obtaining the life estate;
3. That if the court finds that there are conditions precedent to her obtaining the life estate, that the court give instructions as to what, if anything, she needs to do to obtain the life estate, and give time to meet those conditions;
4. That the Court deny Petitioner's request that the court find that the life estate is terminated;
5. That the Court find that she has not terminated her life estate in the property;
6. That the Court order Petitioner to return the taken property to the home;
7. That the Court deny Petitioner's request to remove Jesse Ruelas as co-trustee;
8. That the Court award Angela Ruelas recovery of her attorney fees and costs of suit;
9. That the Court grant such other relief as is just.

**Declaration of Irma Hicks Regarding Recent Events Surrounding the Trust was filed 1-23-15.** See declaration for details.

**9B Octavio & Mary Ruelas 2001 Family Trust**

Case No. 14CEPR00929

Atty Walters, Jennifer L. (for Irma Hicks – Co-Trustee – Petitioner)

Atty Donohue, Francis T, III, (of Newport Beach, CA, for Jesse Joe Ruelas – Co-Trustee – Objector)

Atty Ruelas, Angela (Pro Per – Beneficiary – Objector)

Probate Status Hearing RE: Resolution

|                             |  |                                 |
|-----------------------------|--|---------------------------------|
|                             | <b>IRMA HICKS</b> , a Co-Trustee of the Octavio and Mary Ruelas Family Trust, filed <b>Petition for Instructions Regarding Life Estate of Angela Ruelas and Removal of Co-Trustee of The Octavio and Mary Ruelas Family Trust</b> .<br><br>On 8/11/15, counsel indicated that the parties had reached an agreement. The Court set this status hearing re resolution. | <b>NEEDS/PROBLEMS/COMMENTS:</b> |
|                             |  |                                 |
|                             |  |                                 |
|                             |  |                                 |
|                             |  |                                 |
|                             |  |                                 |
| <b>Aff.Sub.Wit.</b>         |  |                                 |
| <b>Verified</b>             |  |                                 |
| <b>Inventory</b>            |  |                                 |
| <b>PTC</b>                  |  |                                 |
| <b>Not.Cred.</b>            |  |                                 |
| <b>Notice of Hrg</b>        |  |                                 |
| <b>Aff.Mail</b>             |  |                                 |
| <b>Aff.Pub.</b>             |  |                                 |
| <b>Sp.Ntc.</b>              |  |                                 |
| <b>Pers.Serv.</b>           |  |                                 |
| <b>Conf. Screen</b>         |  |                                 |
| <b>Letters</b>              |  |                                 |
| <b>Duties/Supp</b>          |  |                                 |
| <b>Objections</b>           |  |                                 |
| <b>Video Receipt</b>        |  |                                 |
| <b>CI Report</b>            |  |                                 |
| <b>9202</b>                 |  |                                 |
| <b>Order</b>                |  |                                 |
| <b>Aff. Posting</b>         |  |                                 |
| <b>Status Rpt</b>           |  |                                 |
| <b>UCCJEA</b>               |  |                                 |
| <b>Citation</b>             |  |                                 |
| <b>FTB Notice</b>           |  |                                 |
| <b>Reviewed by:</b> skc     |  |                                 |
| <b>Reviewed on:</b> 9/24/15 |  |                                 |
| <b>Updates:</b>             |  |                                 |
| <b>Recommendation:</b>      |  |                                 |
| <b>File 9B – Ruelas</b>     |  |                                 |

9B

# 10 The Fernando Vasquez Special Needs Trust (SNT)

Case No. 14CEPR00936

Attorney: Steven M. Matlak (for Petitioner/Trustee Bruce Bickel)

Petition for Settlement of First Account Current and Report of Trustee; for  
 Authority to Invest in Mutual Funds and U.S. Government Bonds With Maturity  
 Dates Later than 5 Years; for Approval of Trustee's Fees, and for Approval of Attorney's Fees and Costs

|                                     |                      |    |  |  |
|-------------------------------------|----------------------|----|--|--|
|                                     |                      |    | <b>BRUCE BICKEL</b> , Trustee, is Petitioner.  | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br><b>Note:</b> If the petition is granted, a status hearing will be set as follows:<br><br><ul style="list-style-type: none"> <li><b>Wednesday, September 13, 2017</b> at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.</li> </ul> Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required. |
|                                     |                      |    | Account period: 1/8/15 – 7/5/15 (6 months)   |  |
|                                     |                      |    | Accounting - <b>\$235,119.21</b>   |  |
|                                     |                      |    | Beginning POH - <b>\$0</b>   |  |
|                                     |                      |    | Ending POH - <b>\$232,837.76</b>   |  |
| <b>Cont. from</b>                   |                      |    | <b>Current bond: \$262,000.00</b> (is sufficient)  |  |
| <input type="checkbox"/>            | <b>Aff.Sub.Wit.</b>  |    | Trustee - <b>\$1,235.45</b><br>(per itemization, 7.85 hrs. @ \$150/hr. & .10 hrs. @ \$60/hr.)                                  |  |
| <input checked="" type="checkbox"/> | <b>Verified</b>      |    | Attorney - <b>\$1,172.00</b><br>(per itemization, 2.30 hrs. attorney time @ \$260/hr. & 4.10 hrs. paralegal time @ \$140/hr.)  |  |
| <input type="checkbox"/>            | <b>Inventory</b>     |    | Costs - <b>\$200.00</b>  |  |
| <input type="checkbox"/>            | <b>PTC</b>           |    | <b>Petitioner seeks permission</b> to invest in mutual funds and U.S. Government Bonds with maturity dates later than 5 years. |  |
| <input type="checkbox"/>            | <b>Not.Cred.</b>     |    |  |  |
| <input checked="" type="checkbox"/> | <b>Notice of Hrg</b> |    |  |  |
| <input checked="" type="checkbox"/> | <b>Aff.Mail</b>      | W/ |  |  |
| <input type="checkbox"/>            | <b>Aff.Pub.</b>      |    |  |  |
| <input type="checkbox"/>            | <b>Sp.Ntc.</b>       |    |  |  |
| <input type="checkbox"/>            | <b>Pers.Serv.</b>    |    |  |  |
| <input type="checkbox"/>            | <b>Conf. Screen</b>  |    |  |  |
| <input type="checkbox"/>            | <b>Letters</b>       |    |  |  |
| <input type="checkbox"/>            | <b>Duties/Supp</b>   |    |  |  |
| <input type="checkbox"/>            | <b>Objections</b>    |    |  |  |
| <input type="checkbox"/>            | <b>Video Receipt</b> |    |  |  |
| <input type="checkbox"/>            | <b>CI Report</b>     |    |  |  |
| <input checked="" type="checkbox"/> | <b>2620(c)</b>       |    |  |  |
| <input checked="" type="checkbox"/> | <b>Order</b>         |    |  |  |
| <input type="checkbox"/>            | <b>Aff. Posting</b>  |    |  |  |
| <input type="checkbox"/>            | <b>Status Rpt</b>    |    |  |  |
| <input type="checkbox"/>            | <b>UCCJEA</b>        |    |  |  |
| <input type="checkbox"/>            | <b>Citation</b>      |    |  |  |
| <input type="checkbox"/>            | <b>FTB Notice</b>    |    |  |  |

Please see additional page

Reviewed by: KT

Reviewed on: 9/24/15

Updates:

Recommendation:

File 10 – Vasquez



## **10 The Fernando Vasquez Special Needs Trust (SNT)**

**Case No. 14CEPR00936**

### **Petitioner prays for an Order:**

1. The First Account Current and Report of Trustee be settled, allowed, and approved as filed, and all acts and transaction of Petitioner as set forth in it relating to the matters set forth in it, be ratified, approved and confirmed.
2. That the Trustee is authority to hire an investment manager who can be delegated the day to day authority over investment decisions as permitted under Probate Code §16052(a); and (b) invest in mutual funds and in United States government bonds with maturity dates later than 5 years.
3. Petitioner's Trustee fees paid for this period himself and Fiduciary Support Services be approved;
4. Petitioner be authorized to pay the law firm of Dowling, Aaron Inc. his attorney's fees in the amount of \$1,172.00 and the filing fee for this petition in the amount of \$200.00.

**11 Neveah Musgrave & Lillie Musgrave (GUARD/P) Case No. 14CEPR01146**

Petitioner Musgrave, Leon (Pro Per – Guardian)

**Petition to Fix Residence Outside the State of California**

|   |   |  |   |
|---|---|--|---|
| <b>Neveah age: 8</b>                                | <b>LEON MUSGRAVE</b> , maternal great-grandfather was appointed guardian on 02/24/2015, is petitioner.<br><br><b><u>Please see petition for details</u></b> | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br>1. Need Notice of Hearing.<br><br>2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition to Fix Residence Outside the State of California or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"><li>• Perry Anthony Espinoza</li><li>• Father of Lillie (Unknown)</li><li>• Ashley Goodwin (Mother)</li><li>• Paternal Grandparents (Not Listed)</li><li>• Maternal Grandparents (Not Listed)</li></ul><br><b>Note:</b> Pursuant to Probate Code §2352(d), Petitioners shall cause a guardianship or equivalent proceeding to be commenced in the new state of residence, if longer than four months. Therefore, if granted, the Court will set a status hearing as follows for proof of establishment of a guardianship there: <ul style="list-style-type: none"><li>• Tuesday, February 23, 2016</li></ul><br>If proof of establishment of guardianship is filed prior to the status hearing date, the status hearing may be taken off calendar.<br><br><b>Reviewed by:</b> LV<br><b>Reviewed on:</b> 09/25/2015<br><b>Updates:</b><br><b>Recommendation:</b><br><b>File 11 – Musgrave</b> |   |
| <b>Lillie age: 6</b>                                |   |  |   |
|   |   |  |   |
|   |   |  |   |
| <b>Cont. from</b>                                   |   |  |   |
| <input type="checkbox"/> <b>Aff.Sub.Wit.</b>        |   |  |   |
| <input checked="" type="checkbox"/> <b>Verified</b> |   |  |   |
| <input type="checkbox"/> <b>Inventory</b>           |   |  |   |
| <input type="checkbox"/> <b>PTC</b>                 |   |  |   |
| <input type="checkbox"/> <b>Not.Cred.</b>           |   |  |   |
| <input type="checkbox"/> <b>Notice of Hrg</b>       |   |  | x |
| <input type="checkbox"/> <b>Aff.Mail</b>            |   |  | x |
| <input type="checkbox"/> <b>Aff.Pub.</b>            |   |  |   |
| <input type="checkbox"/> <b>Sp.Ntc.</b>             |   |  |   |
| <input type="checkbox"/> <b>Pers.Serv.</b>          |   |  |   |
| <input type="checkbox"/> <b>Conf. Screen</b>        |   |  |   |
| <input type="checkbox"/> <b>Letters</b>             |   |  |   |
| <input type="checkbox"/> <b>Duties/Supp</b>         |   |  |   |
| <input type="checkbox"/> <b>Objections</b>          |   |  |   |
| <input type="checkbox"/> <b>Video Receipt</b>       |   |  |   |
| <input type="checkbox"/> <b>CI Report</b>           |   |  |   |
| <input type="checkbox"/> <b>9202</b>                |   |  |   |
| <input checked="" type="checkbox"/> <b>Order</b>    |   |  |   |
| <input type="checkbox"/> <b>Aff. Posting</b>        |   |  |   |
| <input type="checkbox"/> <b>Status Rpt</b>          |   |  |   |
| <input type="checkbox"/> <b>UCCJEA</b>              |   |  |   |
| <input type="checkbox"/> <b>Citation</b>            |   |  |   |
| <input type="checkbox"/> <b>FTB Notice</b>          |   |  |   |

Attorney      Kruthers, Heather H (for Public Administrator – Administrator)

Petitioner      Melom, Patricia (pro per – niece/Petitioner)

**Petition for Letters of Administration with IAEA**

|                                     |                      |  |   |
|-------------------------------------|----------------------|--|---|
| <b>DOD: 10/13/14</b>                |                      | <b>PATRICIA MELOM</b> , niece, is Petitioner, and requests appointment as Administrator with full IAEA and without bond.     | <b>NEEDS/PROBLEMS/COMMENTS:</b>   |
|                                     |                      |  |   |
|                                     |                      |  |   |
|                                     |                      |  |   |
| <b>Cont. from 082515</b>            |                      | Full IAEA – Previously published for by Public Administrator   | <b><u>CONTINUED FROM 08/25/15</u></b>   |
| <input type="checkbox"/>            | <b>Aff.Sub.Wit.</b>  |  |   |
| <input checked="" type="checkbox"/> | <b>Verified</b>      | All heirs waive bond   | <p>1. The Public Administrator was appointed as Administrator of the Estate on 04/14/15. Letters of Administration were issued on 05/07/15. Therefore, there is not a vacancy at Administrator and the estate is already being administered.</p> <p><b>Note:</b> Inventory &amp; Appraisal filed 06/25/15 shows value of the estate is \$625,338.93.</p> <p>A Status hearing is set for 05/10/16 for filing of the First and Final Account.</p> |
| <input type="checkbox"/>            | <b>Inventory</b>     |  |   |
| <input type="checkbox"/>            | <b>PTC</b>           | Decedent died intestate  |   |
| <input type="checkbox"/>            | <b>Not.Cred.</b>     |  |   |
| <input checked="" type="checkbox"/> | <b>Notice of Hrg</b> | Residence: Fresno<br>Publication: The Business Journal   |   |
| <input checked="" type="checkbox"/> | <b>Aff.Mail</b>      |  |   |
| <input checked="" type="checkbox"/> | <b>Aff.Pub.</b>      |  |   |
| <input type="checkbox"/>            | <b>Sp.Ntc.</b>       | <b>Estimated Value of the Estate:</b>  |   |
| <input type="checkbox"/>            | <b>Pers.Serv.</b>    |  |   |
| <input type="checkbox"/>            | <b>Conf. Screen</b>  | Personal property      - \$539,980.32  |   |
| <input type="checkbox"/>            |                      | Real property          - 63,195.00   |   |
| <input type="checkbox"/>            |                      | <b>Total</b> - <b>\$603,175.32</b>   |   |
| <input checked="" type="checkbox"/> | <b>Letters</b>       | Probate Referee: <b>STEVEN DIEBERT</b>   |   |
| <input checked="" type="checkbox"/> | <b>Duties/Supp</b>   |  |   |
| <input type="checkbox"/>            | <b>Objections</b>    |  |   |
| <input type="checkbox"/>            | <b>Video Receipt</b> |  |   |
| <input type="checkbox"/>            | <b>CI Report</b>     |  |   |
| <input type="checkbox"/>            | <b>9202</b>          |  |   |
| <input checked="" type="checkbox"/> | <b>Order</b>         |  |   |
| <input type="checkbox"/>            | <b>Aff. Posting</b>  |  |   |
| <input type="checkbox"/>            | <b>Status Rpt</b>    |  |   |
| <input type="checkbox"/>            | <b>UCCJEA</b>        |  |   |
| <input type="checkbox"/>            | <b>Citation</b>      | <b>Reviewed by:</b> JF<br><b>Reviewed on:</b> 09/24/15<br><b>Updates:</b><br><b>Recommendation:</b><br><b>File 12 - Woof</b> |   |
| <input type="checkbox"/>            | <b>FTB Notice</b>    |  |   |

**Accounting First and Final Report and Petition for its Settlement, for Allowance of  
Executor's Commissions and Attorneys' Statutory Fees, and for Final Distribution of Estate under  
Will on Waiver of Account**

|                                     |                      |   |                                  |     |
|-------------------------------------|----------------------|---|----------------------------------|-----|
| <b>DOD: 1/26/15</b>                 |                      | <b>JANET PARKMAN</b> , Executor with Full IAEA without bond, is Petitioner.<br><br>Accounting is waived<br><br>I&A: \$175,461.96<br>POH: \$139,281.34 (cash)<br><br>Executor: \$2,906.50 (less than statutory)<br><br>Attorney (Statutory): \$5,813.00<br><br>Costs: \$1,536.50 (filing, certified copies, recording)<br><br>Closing: \$3,000.00 (reserve for post distribution expenses including tax preparation and any contingent liabilities)<br><br>Distribution pursuant to Decedent's will:<br><br>William M. Coughran, Jr.: \$21,004.22<br>Jane Aud: \$21,004.22<br>Jill Spruance: \$21,004.22<br>Jennifer Roe: \$21,004.22<br>Kimberly Pasquini: \$21,004.23<br>Kathy Mann: \$21,004.23 | <b>NEEDS/PROBLEMS/COMMENTS:</b>  |     |
|                                     |                      |   |                                  |     |
|                                     |                      |   |                                  |     |
|                                     |                      |   |                                  |     |
|                                     |                      |   |                                  |     |
|                                     |                      |   |                                  |     |
| <input checked="" type="checkbox"/> | <b>Aff.Sub.Wit.</b>  |   |                                  |     |
| <input checked="" type="checkbox"/> | <b>Verified</b>      |   |                                  |     |
| <input checked="" type="checkbox"/> | <b>Inventory</b>     |   |                                  |     |
| <input checked="" type="checkbox"/> | <b>PTC</b>           |   |                                  |     |
| <input checked="" type="checkbox"/> | <b>Not.Cred.</b>     |   |                                  |     |
| <input checked="" type="checkbox"/> | <b>Notice of Hrg</b> |   |                                  |     |
| <input checked="" type="checkbox"/> | <b>Aff.Mail</b>      |   |                                  | w/o |
|                                     | <b>Aff.Pub.</b>      |   |                                  |     |
|                                     | <b>Sp.Ntc.</b>       |   |                                  |     |
|                                     | <b>Pers.Serv.</b>    |   |                                  |     |
|                                     | <b>Conf. Screen</b>  |   |                                  |     |
| <input checked="" type="checkbox"/> | <b>Letters</b>       |   |                                  |     |
|                                     | <b>Duties/Supp</b>   |   |                                  |     |
|                                     | <b>Objections</b>    |   |                                  |     |
|                                     | <b>Video Receipt</b> |   |                                  |     |
|                                     | <b>CI Report</b>     |   |                                  |     |
| <input checked="" type="checkbox"/> | <b>9202</b>          |   |                                  |     |
| <input checked="" type="checkbox"/> | <b>Order</b>         |   |                                  |     |
|                                     | <b>Aff. Posting</b>  |   |                                  |     |
|                                     | <b>Status Rpt</b>    |   |                                  |     |
|                                     | <b>UCCJEA</b>        |   |                                  |     |
|                                     | <b>Citation</b>      |   |                                  |     |
| <input checked="" type="checkbox"/> | <b>FTB Notice</b>    |   |                                  |     |
|                                     |                      |   | <b>Reviewed by:</b> skc          |     |
|                                     |                      |   | <b>Reviewed on:</b> 9/24/15      |     |
|                                     |                      |   | <b>Updates:</b> 9/25/15          |     |
|                                     |                      |   | <b>Recommendation:</b> SUBMITTED |     |
|                                     |                      |   | <b>File 13 – Stotts</b>          |     |

Attorney Perryman, Mark D. (of Carlsbad, CA, for Mark Duggan – Petitioner)

Attorney Pimentel, Paul J. (for Respondent Daniel J. Duggan)

## Petition for Findings and Orders to Compel an Accounting or Provide Information on the Trust:

## Confirm the Creation and Funding of Trust B; and Instructions on Validity of Trust Amendment

|                                      |   |  |   |
|--------------------------------------|---|--|---|
| Virginia L. Duggan<br>DOD: 4/17/12   |   | MARK DUGGAN, Remainder Beneficiary of Trust B, the irrevocable trust created under the Daniel J. Duggan and Virginia L. Duggan Revocable Living Trust dated 5/31/11, is Petitioner.  | NEEDS/PROBLEMS/<br>COMMENTS:  |
|                                      |   |  |   |
| Cont. from 050515,<br>070715, 081115 |   | Petitioner seeks findings and orders to compel an accounting and provide information on the Trust B, confirm the creation and funding of Trust B, and that a trust amendment dated 6/29/12 (after the death of Settlor Virginia L. Duggan) applies only to Trust A.  | Minute Order 8/11/15:<br>Counsel agree that the only outstanding matter is the accounting and request 30 days for further resolution. The Court set a separate status hearing re resolution. See Page B.                                    |
| Aff.Sub.Wit.                         |   |  |   |
| ✓ Verified                           |   | Petitioner states Daniel and Virginia, husband and wife, executed the Daniel J. Duggan and Virginia L. Duggan Revocable Living Trust on 5/31/11. Virginia is Petitioner's mother. Daniel is Petitioner's adopted father. The trust provides that if either co-trustee should resign, become incapacitated, or die then the surviving trustee would become the sole trustee. Further, the trust provides that upon the death of one of the trustors, the trust was to be split into revocable Trust A and irrevocable Trust B, which was designated to hold the portion of the trust estate not allocated to revocable Trust A, portions from revocable trust A added upon the death of the surviving trustor, and other additions. | Note: On 7/17/15, the parties filed a Stipulation as to various facts. The Court's order thereon was entered on 8/7/15.   |
| Inventory                            |   |  |   |
| PTC                                  |   | Virginia passed away 4/17/12. Over a year has passed since Virginia's death and Mark still has not received any information on his beneficial share of Trust B. Mark sent Daniel emails and letters requesting information and accounting, which went unanswered for some time. On 8/8/14, by and through his attorneys, Mark sent a letter to Daniel's attorney requesting, among other things, copies of the trust, amendments, and a full, complete, and accurate accounting that complies with Probate Code §§ 16063 and 1060 from 4/17/12 to the present date. The letter also stated that Mark agreed to Daniel's proposed allocation of real properties to Trust B.   | The following issues remain noted for reference:<br><br>1. The Court may require notice to Therese Tiab, the second named successor trustee, pursuant to Probate Code §17203.<br><br>2. Need proposed order pursuant to Local Rule 7.1.1.F. |
| Not.Cred.                            |   |  |   |
| ✓ Notice of Hrg                      |   | SEE ADDITIONAL PAGES   | Reviewed by: skc  |
| ✓ Aff.Mail                           | w |  |   |
| Aff.Pub.                             |   | Reviewed on: 9/24/15   | Updates:  |
| Sp.Ntc.                              |   |  |   |
| Pers.Serv.                           |   | Recommendation:  | File 14A - Duggan   |
| Conf. Screen                         |   |  |   |
| Letters                              |   |  |   |
| Duties/Supp                          |   |  |   |
| Objections                           |   |  |   |
| Video Receipt                        |   |  |   |
| CI Report                            |   |  |   |
| 9202                                 |   |  |   |
| Order                                | x |  |   |
| Aff. Posting                         |   |  |   |
| Status Rpt                           |   |  |   |
| UCCJEA                               |   |  |   |
| Citation                             |   |  |   |
| FTB Notice                           |   |  |   |

**Petitioner states (Cont'd):** Mark requested that Daniel record the deeds of the assets allocated to reflect that the assets were a part of Trust B and execute a promissory note for \$125,000.00 with Trust B as the holder and Trust A as the maker of the note. Properties include:

1. 6022 North Marty Ave., APN 106-362-06S
2. 1697 East Los Altos, APN 408-253-13
3. 6750 North Millbrook, APN 408-281-07
4. 2020 South Mary, APNs 468-341-03 and 04
5. 2003-2009 South Sarah, APNs 468-341-14 and 18

On 8/12/14, counsel for Daniel sent a letter that stated he would forward the request to Daniel and provide information as requested. On 8/15/14, Counsel for Daniel mailed the Notification by Trustee pursuant to Probate Code §16061.7 and a copy of the Trust to Mark. The Notification indicated that the trust was amended on 6/29/12, after Virginia's death. Mark did not receive the amendment or the accounting requested.

Again, on 8/26/14, Mark's counsel wrote a letter requesting the trust documents that Daniel had failed to provide and again requested accounting. Daniel's counsel sent a letter that the accounting should be completed within about two weeks. Mark received a trust accounting for the period of 10/1/13 through 6/30/14, but the accounting did not conform to Probate Code §16063.

To date, Daniel has not furnished accounting that complies with the probate code, or the trust amendments. Further, he has not provided a copy of the appraisal report for the values of the real property that were to be allocated to Trust B. Daniel has provided copies of the recorded deeds showing that the appropriate properties were allocated to Trust be except for 2020 South Mary and 2003-2009 South Sarah. Daniel has also not provided an executed promissory note for \$125,000.00 naming Trust B as the holder and Trust A as the maker of the note.

**Petitioner provides authority and prays for relief as follows:**

1. Finding that Trust B became irrevocable on 4/17/12;
2. Finding that the 6/29/12 amendment is not applicable to Trust B;
3. Finding that any amendment made after 4/17/12 is not applicable to Trust B;
4. Compelling the trustee to provide an accounting from 4/17/12 to present that complies with Probate Code §16063;
5. Compelling the trustee to provide all amendments to the trust;
6. Confirming the transfer of the following properties to the trust:
  - 6022 North Marty Ave., APN 106-362-06S
  - 1697 East Los Altos, APN 408-253-13
  - 6750 North Millbrook, APN 408-281-07
7. Instructing the trustee to transfer the following properties to Trust B:
  - 2020 South Mary, APNs 468-341-03 and 04
  - 2003-2009 South Sarah, APNs 468-341-14 and 18
8. Instructing the trustee to execute a promissory note for \$125,000.00 with Trust B as the holder and Trust A as the maker of the note;
9. Approving the division of the trust into Trust A and Trust B;
10. For attorneys' fees and costs as permitted by law; and
11. For such other relief the court deems just and proper.

**Attorney**      **Perryman, Mark D. (of Carlsbad, CA, for Mark Duggan – Petitioner)**

**Attorney** **Pimentel, Paul J. (for Respondent Daniel J. Duggan)**

**Status RE: Resolution**

|  |                      |  |   |  |
|--|----------------------|--|---|--|
|  |                      |  | <p><b>MARK DUGGAN</b>, Remainder Beneficiary of Trust B, the irrevocable trust created under the Daniel J. Duggan and Virginia L. Duggan Revocable Living Trust dated 5/31/11, filed <b>Petition for Findings and Orders to Compel an Accounting or Provide Information on the Trust: Confirm the Creation and Funding of Trust B; and Instructions on Validity of Trust Amendment.</b></p> <p>On 7/17/15, the parties filed a Stipulation as to various facts. The Court's order thereon was entered on 8/7/15.</p> <p>At the hearing on 8/11/15, the Court set this status hearing re resolution.</p> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> |
|  |                      |  |   |  |
|  |                      |  |   |  |
|  |                      |  |   |  |
|  |                      |  |   |  |
|  | <b>Aff.Sub.Wit.</b>  |  |   |  |
|  | <b>Verified</b>      |  |   |  |
|  | <b>Inventory</b>     |  |   |  |
|  | <b>PTC</b>           |  |   |  |
|  | <b>Not.Cred.</b>     |  |   |  |
|  | <b>Notice of Hrg</b> |  |   |  |
|  | <b>Aff.Mail</b>      |  |   |  |
|  | <b>Aff.Pub.</b>      |  |   |  |
|  | <b>Sp.Ntc.</b>       |  |   |  |
|  | <b>Pers.Serv.</b>    |  |   |  |
|  | <b>Conf. Screen</b>  |  |   |  |
|  | <b>Letters</b>       |  |   |  |
|  | <b>Duties/Supp</b>   |  |   |  |
|  | <b>Objections</b>    |  |   |  |
|  | <b>Video Receipt</b> |  |   |  |
|  | <b>CI Report</b>     |  |   |  |
|  | <b>9202</b>          |  |   |  |
|  | <b>Order</b>         |  |   |  |
|  | <b>Aff. Posting</b>  |  |   |  |
|  | <b>Status Rpt</b>    |  |   |  |
|  | <b>UCCJEA</b>        |  |   |  |
|  | <b>Citation</b>      |  |   |  |
|  | <b>FTB Notice</b>    |  |   |  |
|  |                      |  | <p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 9/24/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 14B - Duggan</b></p>  |  |

**15A Alissa Yanez, Jerimiah Yanez, Nicole Yanez, Case No. 15CEPR00589**  
**Ariana Yanez, Savannah Yanez, Justin Yanez, Isaiah Yanez (GUARD/P)**  
 Petitioner Yanez, John Ray, Jr. (Pro Per – Paternal Grandfather)

Petition for Appointment of Guardian of the Person Justin and Isaiah Only

|                   |               |  |  |
|-------------------|---------------|--|--|
| Justin Age: 4     |               | <p><b><u>TEMPORARY EXPIRES 09/29/2015</u></b></p> <p>JOHN RAY YANEZ, JR., paternal grandfather, is petitioner.</p> <p><u>Please see petition for details</u></p> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Note: Petition pertains only to Justin V. Yanez &amp; Isaiah A. Yanez only.</p> <p>Page 15B is a petition filed by paternal grandmother, Julia Pineda, for guardianship of Nicole, Ariana &amp; Savannah. Page 15C is a petition filed by maternal grandmother, Susan Valdez, for guardianship of Alissa &amp; Jerimiah.</p> |
| Isaiah Age: 1     |               |  |  |
|                   |               |  |  |
|                   |               |  |  |
| Cont. from 081115 |               |  |  |
|                   | Aff.Sub.Wit.  |  |  |
| ✓                 | Verified      |  |  |
|                   | Inventory     |  |  |
|                   | PTC           |  |  |
|                   | Not.Cred.     |  |  |
| ✓                 | Notice of Hrg | x  |  |
|                   | Aff.Mail      | n/a  |  |
|                   | Aff.Pub.      |  |  |
|                   | Sp.Ntc.       |  |  |
| ✓                 | Pers.Serv.    | w/   |  |
| ✓                 | Conf. Screen  |  |  |
| ✓                 | Letters       |  |  |
| ✓                 | Duties/Supp   |  |  |
|                   | Objections    |  |  |
|                   | Video Receipt |  |  |
| ✓                 | CI Report     |  |  |
|                   | 9202          |  |  |
| ✓                 | Order         |  |  |
|                   | Aff. Posting  |  |  |
|                   | Status Rpt    |  |  |
| ✓                 | UCCJEA        |  |  |
|                   | Citation      |  |  |
|                   | FTB Notice    |  |  |
|                   |               |  | <p>Reviewed by: LV</p> <p>Reviewed on: 09/24/2015</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15A – Yanez</p>   |

**15A**



**15B Alissa Yanez, Jerimiah Yanez, Nicole Yanez, Ariana Yanez, Savannah Yanez, Justin Yanez, Isaiah Yanez (GUARD/P)**  
**Petitioner Pineda, Julia Maria (Pro Per – Paternal Grandmother)**

**Case No. 15CEPR00589**

**Petition for Appointment of Guardian of the Person Nicole, Ariana, Savannah Only**

|  |               |  |   |     |
|--|---------------|--|---|-----|
| Nicole Age: 9  |               | <p align="center"><b><u>TEMPORARY EXPIRES 09/29/2015</u></b></p> <p>Julia Maria Pineda, paternal grandmother, is petitioner.</p> <p align="center"><b><u>Please see petition for details</u></b></p> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note: Petition pertains only to Nicole S. Yanez, Ariana N. Yanez, &amp; Savannah J. Yanez only.</b></p> <p>Page 15A is a petition filed by paternal grandfather, John Yanez, for guardianship of Justin &amp; Isaiah. Page 15C is a petition filed by maternal grandmother, Susan Valdez, for guardianship of Alissa &amp; Jerimiah.</p> |     |
| Ariana Age: 6  |               |  |   |     |
| Savannah Age: 11   |               |  |   |     |
| Cont. from 081115  |               |  |   |     |
| <input type="checkbox"/>   | Aff.Sub.Wit.  |  |   |     |
| <input checked="" type="checkbox"/>  | Verified      |  |   |     |
| <input type="checkbox"/>   | Inventory     |  |   |     |
| <input type="checkbox"/>   | PTC           |  |   |     |
| <input type="checkbox"/>   | Not.Cred.     |  |   |     |
| <input checked="" type="checkbox"/>  | Notice of Hrg |  |   | x   |
| <input type="checkbox"/>   | Aff.Mail      |  |   | n/a |
| <input type="checkbox"/>   | Aff.Pub.      |  |   |     |
| <input type="checkbox"/>   | Sp.Ntc.       |  |   |     |
| <input checked="" type="checkbox"/>  | Pers.Serv.    |  |   | w/  |
| <input checked="" type="checkbox"/>  | Conf. Screen  |  |   |     |
| <input checked="" type="checkbox"/>  | Letters       |  |   |     |
| <input checked="" type="checkbox"/>  | Duties/Supp   |  |   |     |
| <input type="checkbox"/>   | Objections    |  |   |     |
| <input type="checkbox"/>   | Video Receipt |  |   |     |
| <input checked="" type="checkbox"/>  | CI Report     |  |   |     |
| <input type="checkbox"/>   | 9202          |  |   |     |
| <input checked="" type="checkbox"/>  | Order         |  |   |     |
| <input type="checkbox"/>   | Aff. Posting  |  |   |     |
| <input type="checkbox"/>   | Status Rpt    |  |   |     |
| <input checked="" type="checkbox"/>  | UCCJEA        |  |   |     |
| <input type="checkbox"/>   | Citation      |  |   |     |
| <input type="checkbox"/>   | FTB Notice    |  |   |     |
| <p><b>Reviewed by: LV</b></p> <p><b>Reviewed on: 09/24/2015</b></p> <p><b>Updates: 09/25/2015</b></p> <p><b>Recommendation:</b></p> <p><b>File 15B – Yanez</b></p> |               |  |   |     |

**15B**

**15C Alissa Yanez, Jerimiah Yanez, Nicole Yanez, Case No. 15CEPR00589**  
**Ariana Yanez, Savannah Yanez, Justin Yanez, Isaiah Yanez (GUARD/P)**  
 Petitioner Valdez, Susan A. (Pro Per – Maternal Grandmother)

**Petition for Appointment of Guardian of the Person Alissa and Jerimiah Only**

|                                     |                      |  |   |
|-------------------------------------|----------------------|--|---|
| <b>Alissa Age: 3</b>                |                      | <b><u>TEMPORARY EXPIRES 09/29/2015</u></b><br><br><b>SUSAN ANN VALDEZ</b> , maternal grandmother, is petitioner.<br><br><u>Please see petition for details</u> | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br><b>Note: Petition pertains only to Alissa D. Yanez &amp; Jerimiah J. Yanez only.</b><br><br><b>Page 15A is a petition filed by paternal grandfather, John Yanez, for guardianship of Justin &amp; Isaiah. Page 15B is a petition filed by paternal grandmother, Julia Pineda, for guardianship of Nicole, Ariana &amp; Savannah.</b><br><br>1. Need Notice of Hearing.<br><br>2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> <li>Justin Yanez (Father)</li> </ul> |
| <b>Jerimiah Age: 6mos</b>           |                      |  |   |
|                                     |                      |  |   |
|                                     |                      |  |   |
| <b>Cont. from 081115</b>            |                      |  |   |
| <input type="checkbox"/>            | <b>Aff.Sub.Wit.</b>  |  |   |
| <input checked="" type="checkbox"/> | <b>Verified</b>      |  |   |
| <input type="checkbox"/>            | <b>Inventory</b>     |  |   |
| <input type="checkbox"/>            | <b>PTC</b>           |  |   |
| <input type="checkbox"/>            | <b>Not.Cred.</b>     |  |   |
| <input type="checkbox"/>            | <b>Notice of Hrg</b> | x  |   |
| <input type="checkbox"/>            | <b>Aff.Mail</b>      | n/a  |   |
| <input type="checkbox"/>            | <b>Aff.Pub.</b>      |  |   |
| <input type="checkbox"/>            | <b>Sp.Ntc.</b>       |  |   |
| <input type="checkbox"/>            | <b>Pers.Serv.</b>    | x  |   |
| <input checked="" type="checkbox"/> | <b>Conf. Screen</b>  |  |   |
| <input checked="" type="checkbox"/> | <b>Letters</b>       |  |   |
| <input checked="" type="checkbox"/> | <b>Duties/Supp</b>   |  |   |
| <input type="checkbox"/>            | <b>Objections</b>    |  |   |
| <input type="checkbox"/>            | <b>Video Receipt</b> |  |   |
| <input checked="" type="checkbox"/> | <b>CI Report</b>     |  |   |
| <input type="checkbox"/>            | <b>9202</b>          |  |   |
| <input checked="" type="checkbox"/> | <b>Order</b>         |  |   |
| <input type="checkbox"/>            | <b>Aff. Posting</b>  |  |   |
| <input type="checkbox"/>            | <b>Status Rpt</b>    |  |   |
| <input checked="" type="checkbox"/> | <b>UCCJEA</b>        |  |   |
| <input type="checkbox"/>            | <b>Citation</b>      |  |   |
| <input type="checkbox"/>            | <b>FTB Notice</b>    |  |   |
| <b>Reviewed by: LV</b>              |                      |  |   |
| <b>Reviewed on: 09/24/2015</b>      |                      |  |   |
| <b>Updates:</b>                     |                      |  |   |
| <b>Recommendation:</b>              |                      |  |   |
| <b>File 15C – Yanez</b>             |                      |  |   |

**15C**

## Probate Status Hearing

## RE: Receipt for Blocked Account

|               |  |   |
|---------------|--|---|
|               | <b>LOIDA AURORA IN</b> , Mother, was appointed Guardian of the Estate on 8/11/15 without bond, with all funds placed into a blocked account. Letters issued 8/13/15.   | <b>NEEDS/PROBLEMS/COMMENTS:</b>   |
|               |  |   |
|               |  | 1. The status report indicates distribution of the approx. \$30,000 death benefit to the guardian of the estate by the week of 10/5/16 (rather than 2015). Was this a typo? Is distribution anticipated this year or next?  |
|               |  |   |
|               |  | 2. In addition to the American Income Life Insurance lump sum (\$30,000), the original petition also estimated annual income to the minor of \$19,500 and stated that another insurance fund may also be available to the minor, but further information was not available pending appointment as guardian of the estate. At this time, the Court may require further information regarding the additional funds or income. |
|               |  |   |
| Aff.Sub.Wit.  | The Court set this status hearing for the filing of the receipt for blocked account.   |   |
| Verified      |  |   |
| Inventory     |  |   |
| PTC           |  |   |
| Not.Cred.     |  |   |
| Notice of Hrg | <b>Status Report filed 9/24/15 states</b> Letters were provided to American Income Life Insurance Company to collect the death benefits payable to the minor. The check has been issued to Petitioner as Guardian of the Estate; however, it is currently being routed through the insurance company's auditing department for review prior to being distributed to Ms. In. It is estimated that the check will be distributed by the week of 10/5/16 (sic). |   |
| Aff.Mail      |  |   |
| Aff.Pub.      |  |   |
| Sp.Ntc.       |  |   |
| Pers.Serv.    |  |   |
| Conf. Screen  |  |   |
| Letters       |  |   |
| Duties/Supp   |  |   |
| Objections    |  |   |
| Video Receipt |  |   |
| CI Report     |  |   |
| 9202          |  |   |
| Order         |  |   |
| Aff. Posting  |  |   |
| Status Rpt    |  |   |
| UCCJEA        |  |   |
| Citation      |  |   |
| FTB Notice    |  |   |
|               |  | Reviewed by: skc  |
|               |  | Reviewed on: 9/24/15  |
|               |  | Updates:  |
|               |  | Recommendation:   |
|               |  | File 16 – In  |

|  |                                     |  |  |
|--|-------------------------------------|--|--|
| <b>DOD: 4/17/15</b>                                  |                                     | <b>JOSE D. HERNANDEZ</b> , Son, is Petitioner. | <b>NEEDS/PROBLEMS/COMMENTS:</b>  |
|  |                                     |  |  |
|  |                                     | 40 days since DOD                              | <p align="center"><b><u>OFF CALENDAR</u></b></p> <p><b>Dismissal entered 9/24/15</b></p> |
|  |                                     | No other proceedings                           |  |
| <b>Cont. from 081115</b>                             |                                     |  |  |
| <input type="checkbox"/> <b>Aff.Sub.Wit.</b>         | <input checked="" type="checkbox"/> |  |  |
| <input checked="" type="checkbox"/> <b>Verified</b>  |                                     |  |  |
| <input checked="" type="checkbox"/> <b>Inventory</b> |                                     |  |  |
| <b>PTC</b>   |                                     |  |  |
| <b>Not.Cred.</b>                                     |                                     |  |  |
| <b>Notice of Hrg</b>                                 | <input checked="" type="checkbox"/> |  |  |
| <b>Aff.Mail</b>                                      | <input checked="" type="checkbox"/> |  |  |
| <b>Aff.Pub.</b>                                      |                                     |  |  |
| <b>Sp.Ntc.</b>                                       |                                     |  |  |
| <b>Pers.Serv.</b>                                    |                                     |  |  |
| <b>Conf. Screen</b>                                  |                                     |  |  |
| <b>Letters</b>                                       |                                     |  |  |
| <b>Duties/Supp</b>                                   |                                     |  |  |
| <b>Objections</b>                                    |                                     |  |  |
| <b>Video Receipt</b>                                 |                                     |  |  |
| <b>CI Report</b>                                     |                                     |  |  |
| <b>9202</b>  |                                     |  |  |
| <input checked="" type="checkbox"/> <b>Order</b>     |                                     |  |  |
| <b>Aff. Posting</b>                                  |                                     |  |  |
| <b>Status Rpt</b>                                    |                                     |  |  |
| <b>UCCJEA</b>  |                                     |  |  |
| <b>Citation</b>                                      |                                     |  |  |
| <b>FTB Notice</b>                                    |                                     |  |  |
|  |                                     |  | <b>Reviewed by:</b> skc  |
|  |                                     |  | <b>Reviewed on:</b> 9/24/15  |
|  |                                     |  | <b>Updates:</b> 9/25/15  |
|  |                                     |  | <b>Recommendation:</b>   |
|  |                                     |  | <b>File 17 – Peralta</b>   |

**18 Benny Markarian (Estate)****Case No. 15CEPR00668****Attorney Harris, Richard A. (for Pamela Milam – Petitioner – Daughter)****Petition for Probate of Will and for Letters Testamentary with IAEA**

|  |   |   |
|--|---|---|
| <b>DOD: 05/15/2015</b>                                   | <b>PAMELA MILAM</b> , daughter/named executor without bond is petitioner. | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br>1. Proposed personal representative is a resident of Florida. Probate Code 8571 states notwithstanding a waiver of bond, the court in its discretion may require a nonresident personal representative to give a bond in an amount determined by the court.<br><br><b>Note: If the petition is granted status hearings will be set as follows:</b><br>• <b>Tuesday, 10/27/2015 at 9:00a.m. in Dept. 303</b> for the filing of the Bond if required <u>and</u><br>• <b>Tuesday, 03/01/2016 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <u>and</u><br>• <b>Tuesday, 11/29/2016 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.<br><br>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required. |
|  | Petitioner is a resident of Miramar Beach, Florida.                       |   |
| <b>Cont. from 081815</b>                                 | Full IAEA – o.k.  |   |
| <input type="checkbox"/> <b>Aff.Sub.Wit.</b>             | Will dated: 02/20/2008  |   |
| <input checked="" type="checkbox"/> <b>Verified</b>      | Residence:  |   |
| <input type="checkbox"/> <b>Inventory</b>                | Publication: The Business Journal   |   |
| <input type="checkbox"/> <b>PTC</b>                      | <b>Estimated Value of the Estate:</b>                                     |   |
| <input type="checkbox"/> <b>Not.Cred.</b>                | Personal property - \$129,300.00  |   |
| <input checked="" type="checkbox"/> <b>Notice of Hrg</b> | Real Property - \$160,000.00  |   |
| <input checked="" type="checkbox"/> <b>Aff.Mail</b> w/   | <b>Total - \$289,300.00</b>   |   |
| <input checked="" type="checkbox"/> <b>Aff.Pub.</b>      | Probate Referee: Steven Diebert   |   |
| <input type="checkbox"/> <b>Sp.Ntc.</b>                  |   |   |
| <input type="checkbox"/> <b>Pers.Serv.</b>               |   |   |
| <input type="checkbox"/> <b>Conf. Screen</b>             |   |   |
| <input checked="" type="checkbox"/> <b>Letters</b>       |   |   |
| <input checked="" type="checkbox"/> <b>Duties/Supp</b>   |   |   |
| <input type="checkbox"/> <b>Objections</b>               |   |   |
| <input type="checkbox"/> <b>Video Receipt</b>            |   |   |
| <input type="checkbox"/> <b>CI Report</b>                |   |   |
| <input type="checkbox"/> <b>9202</b>                     |   |   |
| <input checked="" type="checkbox"/> <b>Order</b>         |   |   |
| <input type="checkbox"/> <b>Aff. Posting</b>             |   |   |
| <input type="checkbox"/> <b>Status Rpt</b>               |   |   |
| <input type="checkbox"/> <b>UCCJEA</b>                   |   |   |
| <input type="checkbox"/> <b>Citation</b>                 |   |   |
| <input type="checkbox"/> <b>FTB Notice</b>               |   |   |
|  |   | <b>Reviewed by:</b> LV  |
|  |   | <b>Reviewed on:</b> 09/24/2015  |
|  |   | <b>Updates:</b>   |
|  |   | <b>Recommendation:</b>  |
|  |   | <b>File 18 – Markarian</b>  |

**19 Jessie Salaiza (Estate) Case No. 15CEPR00682**

Petitioner Braddock, Sylvia Salaiza (Pro Per – Daughter)

**Petition for Letters of Administration; Authorization to Administer Under the Independent Administration of Estates Act**

|   |  |  |   |                                |
|---|--|--|---|--------------------------------|
| <b>DOD: 03/11/2006</b>                        | <b>SYLVIA SALAIZA BRADDOCK</b> , daughter, is petitioner and requests appointment as Administrator without bond. |  | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br><b>Minute Order of 08/25/2015: Petitioner requests a continuance to allow time for Publication.</b><br><br>1. Waiver of bond signed by Manuel Guerrero, appears to be a copy. Need original or bond in the amount of \$100,000.<br><br><b>Note: If the petition is granted status hearings will be set as follows:</b> <ul style="list-style-type: none"> <li>• <b>Tuesday, 10/27/2015 at 9:00a.m. in Dept. 303</b> for the filing of the Bond if required <b>and</b></li> <li>• <b>Tuesday, 03/01/2016 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <b>and</b></li> <li>• <b>Tuesday, 11/29/2016 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul> Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required. |                                |
|   | Full IAEA – o.k.   |  |   |                                |
| <b>Cont. from 082515</b>                      | Decedent died intestate  |  |   |                                |
| <input type="checkbox"/> <b>Aff.Sub.Wit.</b>  | Residence: Coalinga  |  |   |                                |
| ✓ <b>Verified</b>                             | Publication: The Business Journal  |  |   |                                |
| <input type="checkbox"/> <b>Inventory</b>     | <b>Estimated value of the estate:</b>  |  |   |                                |
| <input type="checkbox"/> <b>PTC</b>           | Personal property - \$100,000.00   |  |   |                                |
| <input type="checkbox"/> <b>Not.Cred.</b>     | Probate Referee: Steven Diebert  |  |   |                                |
| ✓ <b>Notice of Hrg</b>                        |  |  |   |                                |
| ✓ <b>Aff.Mail</b>                             | w/   |  |   |                                |
| ✓ <b>Aff.Pub.</b>                             |  |  |   |                                |
| <input type="checkbox"/> <b>Sp.Ntc.</b>       |  |  |   |                                |
| <input type="checkbox"/> <b>Pers.Serv.</b>    |  |  |   |                                |
| <input type="checkbox"/> <b>Conf. Screen</b>  |  |  |   |                                |
| ✓ <b>Letters</b>                              |  |  |   |                                |
| ✓ <b>Duties/Supp</b>                          |  |  |   |                                |
| <input type="checkbox"/> <b>Objections</b>    |  |  |   |                                |
| <input type="checkbox"/> <b>Video Receipt</b> |  |  |   |                                |
| <input type="checkbox"/> <b>CI Report</b>     |  |  |   |                                |
| <input type="checkbox"/> <b>9202</b>          |  |  |   |                                |
| ✓ <b>Order</b>                                |  |  |   |                                |
| <input type="checkbox"/> <b>Aff. Posting</b>  |  |  |   |                                |
| <input type="checkbox"/> <b>Status Rpt</b>    |  |  |   |                                |
| <input type="checkbox"/> <b>UCCJEA</b>        |  |  |   |                                |
| <input type="checkbox"/> <b>Citation</b>      |  |  |   |                                |
| <input type="checkbox"/> <b>FTB Notice</b>    |  |  |   |                                |
|   |  |  |   | <b>Reviewed by: LV</b>         |
|   |  |  |   | <b>Reviewed on: 09/24/2015</b> |
|   |  |  | <b>Updates:</b>   |                                |
|   |  |  | <b>Recommendation:</b>  |                                |
|   |  |  | <b>File 19 - Salaiza</b>  |                                |

|            |               |   |  |   |  |
|------------|---------------|---|--|---|--|
| Age: 15    |               | <b><u>TEMPORARY EXPIRES 09/29/15</u></b>                          |  | <b>NEEDS/PROBLEMS/COMMENTS:</b>   |  |
|            |               | <b>JEANETTE JARAMILLO</b> , paternal grandmother, is Petitioner.  |  |   |  |
|            |               | Father: <b>HANK FRED AMPARANO</b> – personally served on 08/03/15 |  |   |  |
| Cont. from |               |   |  |   |  |
|            | Aff.Sub.Wit.  |   |  |   |  |
| ✓          | Verified      |   |  | Mother: <b>SUMMER ELAINE BORBOA</b> – Consent & Waiver of Notice filed 07/28/15                                 |  |
|            | Inventory     |   |  |   |  |
|            | PTC           |   |  | Paternal grandfather: FRANK AMPARANO - deceased   |  |
|            | Not.Cred.     |   |  |   |  |
| ✓          | Notice of Hrg |   |  | Maternal grandfather: BRAD BARBOA – Served by mail on 08/28/15  |  |
| ✓          | Aff.Mail      | w/  |  | Maternal grandmother: ANNETTE TRAILOR – Served by mail on 08/28/15  |  |
|            | Aff.Pub.      |   |  |   |  |
|            | Sp.Ntc.       |   |  |   |  |
| ✓          | Pers.Serv.    | w/  |  | Siblings: MALINA SANDOVAL, PETER SWOWRONSKI, HANK A. AMPARANO, JAYCEE AMPARANO – all Served by mail on 08/28/15 |  |
| ✓          | Conf. Screen  |   |  |   |  |
| ✓          | Letters       |   |  |   |  |
| ✓          | Duties/Supp   |   |  |   |  |
|            | Objections    |   |  | Petitioner states [see Petition for details].   |  |
|            | Video Receipt |   |  | Court Investigator Jennifer Young filed a report on 09/21/15.   |  |
| ✓          | CI Report     |   |  |   |  |
|            | 9202          |   |  |   |  |
| ✓          | Order         |   |  |   |  |
|            | Aff. Posting  |   |  | Reviewed by: JF   |  |
|            | Status Rpt    |   |  | Reviewed on: 09/24/15   |  |
| ✓          | UCCJEA        |   |  | Updates:  |  |
|            | Citation      |   |  | Recommendation:   |  |
|            | FTB Notice    |   |  | File 20 – Armparano   |  |

Petitioner Tso, Janet (pro per – maternal grandmother)

## Petition for Appointment of Guardian of the Person

|                          |               |  |   |     |
|--------------------------|---------------|--|---|-----|
| Genesis, 7               |               | <p align="center"><b><u>NO TEMPORARY REQUESTED</u></b></p> <p><b>JANET TSO</b>, maternal grandmother, is Petitioner.</p> <p>Father: <b>ARTURO CASTRO</b> – <i>Consent &amp; Waiver of Notice filed 08/13/15</i></p> <p>Mother: <b>RENEE FIERRO</b> – <i>Consent &amp; Waiver of Notice filed 08/13/15</i></p> <p>Paternal grandfather: DECEASED<br/>Paternal grandmother: UNKNOWN</p> <p>Maternal grandfather: ANTONIO FIERRO – <i>served by mail on 08/12/15</i></p> <p><b>Petitioner states</b> [see Petition for details].</p> <p><b>Court Investigator Jennifer Daniel filed a report on 09/18/15.</b></p> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> <i>Consent &amp; Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for paternal grandmother.</p> |     |
| Veronica, 5              |               |  |   |     |
| Mary Jane, 4             |               |  |   |     |
| Cont. from               |               |  |   |     |
| <input type="checkbox"/> | Aff.Sub.Wit.  |  |   |     |
| ✓                        | Verified      |  |   |     |
| <input type="checkbox"/> | Inventory     |  |   |     |
| <input type="checkbox"/> | PTC           |  |   |     |
| <input type="checkbox"/> | Not.Cred.     |  |   |     |
| ✓                        | Notice of Hrg |  |   |     |
| ✓                        | Aff.Mail      |  |   | w/  |
| <input type="checkbox"/> | Aff.Pub.      |  |   |     |
| <input type="checkbox"/> | Sp.Ntc.       |  |   |     |
| <input type="checkbox"/> | Pers.Serv.    |  |   | n/a |
| ✓                        | Conf. Screen  |  |   |     |
| ✓                        | Letters       |  |   |     |
| ✓                        | Duties/Supp   |  |   |     |
| <input type="checkbox"/> | Objections    |  |   |     |
| <input type="checkbox"/> | Video Receipt |  |   |     |
| ✓                        | CI Report     |  |   |     |
| <input type="checkbox"/> | 9202          |  |   |     |
| ✓                        | Order         |  |   |     |
| <input type="checkbox"/> | Aff. Posting  |  |   |     |
| <input type="checkbox"/> | Status Rpt    |  |   |     |
| ✓                        | UCCJEA        |  |   |     |
| <input type="checkbox"/> | Citation      |  |   |     |
| <input type="checkbox"/> | FTB Notice    |  |   |     |
|                          |               | Reviewed by: JF  |   |     |
|                          |               | Reviewed on: 09/25/15  |   |     |
|                          |               | Updates:   |   |     |
|                          |               | Recommendation:  |   |     |
|                          |               | File 21 – Castro   |   |     |



Petitioner Grossi, Kerri Denise (pro per – maternal grandmother)

## Petition for Appointment of Guardian of the Person

|            |               |   |   |  |  |
|------------|---------------|---|---|--|--|
| Age: 2     |               | <b>TEMPORARY EXPIRES 09/29/15</b>   |   | <b>NEEDS/PROBLEMS/COMMENTS:</b>  |  |
|            |               | <b>KERRI GROSSI</b> , maternal grandmother, is Petitioner.                          |   | 1. Need <i>Notice of Hearing</i> .   |  |
|            |               | Father: <b>SEAN KITCHENER</b> – <i>currently incarcerated at Fresno County Jail</i> |   | 2. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: |  |
| Cont. from |               | Mother: <b>KELSEY CALDWELL</b> – <i>Declaration of Due Diligence filed 07/29/15</i> |   | a. Sean Kitchener (father) – <i>personal service needed</i>  |  |
|            | Aff.Sub.Wit.  |   | Paternal grandfather: UNKNOWN   | b. Kelsey Caldwell (mother) – <i>personal service needed</i>   |  |
| ✓          | Verified      |   | Paternal grandmother: SHARLENA DREWERY                                | c. Paternal grandfather – <i>service by mail ok</i>  |  |
|            | Inventory     |   |   | d. Sharlena Drewery (paternal grandmother) – <i>service by mail ok</i>   |  |
|            | PTC           |   |   | e. Gary Caldwell (maternal grandfather) – <i>service by mail ok</i>  |  |
|            | Not.Cred.     |   |   |  |  |
|            | Notice of Hrg | x   |   |  |  |
|            | Aff.Mail      | x   | Maternal grandfather: GARY CALDWELL                                   |  |  |
|            | Aff.Pub.      |   |   |  |  |
|            | Sp.Ntc.       |   | <b>Petitioner states</b> [see Petition for details].                  |  |  |
|            | Pers.Serv.    | x   | <b>Court Investigator Samantha Henson filed a report on 09/22/15.</b> |  |  |
| ✓          | Conf. Screen  |   |   |  |  |
| ✓          | Letters       |   |   |  |  |
| ✓          | Duties/Supp   |   |   |  |  |
|            | Objections    |   |   |  |  |
|            | Video Receipt |   |   |  |  |
| ✓          | CI Report     |   |   |  |  |
|            | 9202          |   |   |  |  |
| ✓          | Order         |   |   |  |  |
|            | Aff. Posting  |   |   |  |  |
|            | Status Rpt    |   |   |  |  |
| ✓          | UCCJEA        |   |   |  |  |
|            | Citation      |   |   |  |  |
|            | FTB Notice    |   |   |  |  |
|            |               |   |   | <b>Reviewed by:</b> JF   |  |
|            |               |   |   | <b>Reviewed on:</b> 09/25/15   |  |
|            |               |   |   | <b>Updates:</b>  |  |
|            |               |   |   | <b>Recommendation:</b>   |  |
|            |               |   |   | <b>File 22 – Kitchener</b>   |  |

Petition for Appointment of Probate Conservator of Person and Estate

|   |               |  |  |   |
|---|---------------|--|--|---|
|   |               | See petition for details.  | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> Petitioner requested appointment of the Public Guardian as Temporary Conservator only, and requests that he be appointed as permanent Conservator.</p> <p><u>Note:</u> Order Appointing Temporary Conservator includes additional orders allowing the Conservator to consult and engage legal counsel to start obtaining a move-out order against Iris Parker in the Family Law Court and investigate the legal marriage status of the Conservatee. Minute Order of 8/20/15 denies Iris Parker's request for visitation with the Conservatee.</p> <ol style="list-style-type: none"> <li>1. Need Capacity Declaration in support of request for medical consent powers.</li> <li>2. Need bond of at least \$249,910.10, based on estimated personal property and income plus cost of recovery pursuant to Probate Code §2320(c)(4) and Cal. Rule of Court 7.207.</li> <li>3. Need order, letters.</li> </ol> <p><u>Note:</u> The Court will set status hearings as follows:</p> <ul style="list-style-type: none"> <li>• Tuesday Nov. 10, 2015 for filing of bond</li> <li>• Tuesday Feb. 2, 2016 for filing Inventory and Appraisal</li> <li>• Tuesday Dec. 6, 2016 for filing the first account.</li> </ul> |   |
|   |               |  |  |   |
|   |               |  |  |   |
|   |               |  |  |   |
|   |               |  |  |   |
|   | Aff.Sub.Wit.  |  |  |   |
| ✓ | Verified      |  |  |   |
|   | Inventory     |  |  |   |
|   | PTC           |  |  |   |
|   | Not.Cred.     |  |  |   |
| ✓ | Notice of Hrg |  |  |   |
| ✓ | Aff.Mail      |  |  | W |
|   | Aff.Pub.      |  |  |   |
|   | Sp.Ntc.       |  |  |   |
| ✓ | Pers.Serv.    |  |  | W |
| ✓ | Conf. Screen  |  |  |   |
|   | Letters       |  |  | X |
| ✓ | Duties/Supp   |  |  |   |
|   | Objections    |  |  |   |
| ✓ | Video Receipt |  |  |   |
| ✓ | CI Report     |  |  |   |
|   | 9202          |  |  |   |
|   | Order         | X  |  |   |
|   |               |  |  |   |
|   | Aff. Posting  |  |  |   |
|   | Status Rpt    |  |  |   |
|   | UCCJEA        |  |  |   |
| ✓ | Citation      |  |  |   |
|   | FTB Notice    |  |  |   |
|   |               | <p>Reviewed by: skc</p> <p>Reviewed on: 9/25/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 23 – Ringer</p> |  |   |

|                    |                      |     |  |  |
|--------------------|----------------------|-----|--|--|
| <b>DOD: 8/4/12</b> |                      |     | <b>OPHELIA LEE</b> , Daughter and Fourth Named Executor without bond, is Petitioner.<br><br>The three prior named executors are deceased.<br><br>Full IAEA – ok<br><br>Will dated 2/6/07<br><br>Residence: Fresno<br>Publication: Business Journal<br><br>Estimated value of estate:<br>Personal property: \$ 25,000.00<br>Real property: \$680,000.00<br>Total: \$705,000.00<br><br>Probate Referee: Rick Smith | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br><u>Note:</u> The Court will set status hearings as follows:<br><br>• Tuesday, 03/01/16 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u><br><br>• Tuesday, 11/29/16 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.<br><br>If the proper items are on file prior to the status hearings pursuant to Local Rule 7.5, the status hearings may come off calendar. |
|                    |                      |     |  |  |
|                    |                      |     |  |  |
|                    |                      |     |  |  |
|                    |                      |     |  |  |
|                    | <b>Aff.Sub.Wit.</b>  | S/P |  |  |
| ✓                  | <b>Verified</b>      |     |  |  |
|                    | <b>Inventory</b>     |     |  |  |
|                    | <b>PTC</b>           |     |  |  |
|                    | <b>Not.Cred.</b>     |     |  |  |
| ✓                  | <b>Notice of Hrg</b> |     |  |  |
| ✓                  | <b>Aff.Mail</b>      | W   |  |  |
|                    | <b>Aff.Pub.</b>      |     |  |  |
|                    | <b>Sp.Ntc.</b>       |     |  |  |
|                    | <b>Pers.Serv.</b>    |     |  |  |
|                    | <b>Conf. Screen</b>  |     |  |  |
| ✓                  | <b>Letters</b>       |     |  |  |
| ✓                  | <b>Duties/Supp</b>   |     |  |  |
|                    | <b>Objections</b>    |     |  |  |
|                    | <b>Video Receipt</b> |     |  |  |
|                    | <b>CI Report</b>     |     |  |  |
|                    | <b>9202</b>          |     |  |  |
| ✓                  | <b>Order</b>         |     |  |  |
|                    | <b>Aff. Posting</b>  |     |  |  |
|                    | <b>Status Rpt</b>    |     |  |  |
|                    | <b>UCCJEA</b>        |     |  |  |
|                    | <b>Citation</b>      |     |  |  |
|                    | <b>FTB Notice</b>    |     |  |  |
|                    |                      |     | <b>Reviewed by:</b> skc<br><b>Reviewed on:</b> 9/24/15<br><b>Updates:</b><br><b>Recommendation:</b> SUBMITTED<br><b>File</b> 24 – Lee  |  |



## Petition for Instructions Regarding Farm Lease Agreement and Proceeds of Crop

|                                     |                      |  |   |   |
|-------------------------------------|----------------------|--|---|---|
| <b>DOD: 2/18/14</b>                 |                      | <p><b>DIANNE E. COOLIDGE</b>, Spouse and Administrator with Limited IAEA with bond of \$27,000.00, is Petitioner.</p> <p><b>Petitioner states</b> on 2/4/15, Petitioner filed a <b>Petition for Instructions Regarding Whether Real Property is Part of Estate</b>, which was heard on 3/9/15. The petition sought the Court's instructions as to whether a certain piece of real property (the Farm Property), planted to grape vines, was part of the estate. At the hearing on said petition, Marvin Helon, counsel for Randy Coolidge and Tracie Coolidge-Fierro, stipulated that said petition would be brought by Diane E. Coolidge in her individual capacity under Probate Code §850. Diane E. Coolidge, in her individual capacity, is taking a neutral position as to this as the beneficiaries are able to adequately represent themselves in this matter. <b>Trial is set for 10/27/15.</b></p> <p>Pending the determination of whether the Farm Property is an asset of the estate, Petitioner now seeks instructions regarding how to deal with income derived from the Farm Property and whether the property should continue to be farmed under the same oral farm lease agreement in place at the decedent's death.</p> <p>Background: The decedent suffered from congestive heart failure, and while not terminal, his mobility was significantly limited. He died when an electrical fire caused his and Petitioner's home to burn on 2/18/14.</p> <p>At his death, title to the Farm Property was held in Decedent's name as "a married man as his sole and separate property." As set forth in the prior petition for instructions, the decedent allegedly executed a deed conveying the Farm Property to himself and Petitioner as joint tenants. The deed was signed but never notarized or recorded.</p> <p style="text-align: center;"><b><u>SEE ADDITIONAL PAGES</u></b></p> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Continued from 9/21/15</u></p> <p><b>Note:</b> This new petition filed 8/5/15 was continued from 9/21/15 to <u>9/29/15 at 9:00 am.</u></p> <p><u>Also scheduled for 9/29/15 at 10:30 am</u> is the <b>Settlement Conference</b> re: <b>Administrator's Petition for Instructions Regarding Whether Real Property is Part of Estate</b> filed 2/4/15. Trial on that petition is 10/27/15.</p> |   |
| <b>Cont. from 092115</b>            |                      |  |   |   |
| <input type="checkbox"/>            | <b>Aff.Sub.Wit.</b>  |  |   |   |
| <input checked="" type="checkbox"/> | <b>Verified</b>      |  |   |   |
| <input type="checkbox"/>            | <b>Inventory</b>     |  |   |   |
| <input type="checkbox"/>            | <b>PTC</b>           |  |   |   |
| <input type="checkbox"/>            | <b>Not.Cred.</b>     |  |   |   |
| <input checked="" type="checkbox"/> | <b>Notice of Hrg</b> |  |   |   |
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| <input type="checkbox"/>            | <b>Aff.Pub.</b>      |  |   |   |
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| <input type="checkbox"/>            | <b>Pers.Serv.</b>    |  |   |   |
| <input type="checkbox"/>            | <b>Conf. Screen</b>  |  |   |   |
| <input type="checkbox"/>            | <b>Letters</b>       |  |   |   |
| <input type="checkbox"/>            | <b>Duties/Supp</b>   |  |   |   |
| <input checked="" type="checkbox"/> | <b>Objections</b>    |  |   |   |
| <input type="checkbox"/>            | <b>Video Receipt</b> |  |   |   |
| <input type="checkbox"/>            | <b>CI Report</b>     |  |   |   |
| <input type="checkbox"/>            | <b>9202</b>          |  |   |   |
| <input checked="" type="checkbox"/> | <b>Order</b>         |  |   |   |
| <input type="checkbox"/>            | <b>Aff. Posting</b>  |  |   |   |
| <input type="checkbox"/>            | <b>Status Rpt</b>    |  |   |   |
| <input type="checkbox"/>            | <b>UCCJEA</b>        |  |   |   |
| <input type="checkbox"/>            | <b>Citation</b>      |  |   |   |
| <input type="checkbox"/>            | <b>FTB Notice</b>    |  |   |   |

Reviewed by: skc

Reviewed on: 9/24/15

Updates:

Recommendation:

File 26A - Coolidge

## Page 2

**Petitioner states** for approx. four years prior to the decedent's death, the Farm Property was farmed under an oral crop share agreement with Florenzio Cruz (the Farmer). The terms of the oral agreement were as follows:

- Farmer pays all costs associated with farming the property except property taxes
- Gross revenue from crop is split 75% to Farmer and 25% to D&D Farms (a business owned by Decedent and Petitioner)

Petitioner received \$11,000 as the split of the 2014 crop, which funds have been deposited into a separate account and not commingled with any other assets other than Petitioner's \$100 to open the account. Petitioner has paid \$10,923.63 out of the revenue toward property tax payments owed on the Farm Property in the amount of \$7,143.63 and mortgage payments on the Farm Property in the amount of \$3,680.00. As such, the balance of \$76.37 currently remains in this account.

The Farmer continues to farm the property on the same terms and conditions as existed before the decedent's death and pending determination of whether it is an estate asset. Petitioner alleges the terms of the oral agreement are favorable and the property should continue to be farmed under this arrangement until the estate is closed. However, in order to protect the estate in the event of a breach of the oral agreement, Petitioner intends to reduce the oral agreement to writing and proposes to enter into a farm lease memorializing the existing terms in substantially the same form as the lease attached as Exhibit 2. Petitioner requests the Court instruct her to enter into the Farm Lease.

Petitioner states she has a duty to marshal estate assets and protect them. However, given that there is a dispute whether the Farm Property is an asset, Petitioner requires instructions about how to deal with the revenue generated from the Farm Property. Petitioner seeks instructions as to whether the revenue should:

- a. Be deposited in an estate account; or
- b. Remain segregated from all other assets pending resolution of whether the farm property is an estate asset.

In either situation, Petitioner can provide a full accounting for the revenue and expenses upon the transfer of the assets to the estate account.

**Therefore, Petitioner seeks an Order from this Court:**

1. **Instructing Petitioner to enter into the Farm Lease;**
2. **Instruction Petitioner to either:**
  - a. **retain revenue generated in separate account in her individual name uncommingled with any other personal assets; or**
  - b. **deposit all revenue generated from the Farm Property into an estate account;**
3. **Instructing Petitioner whether funds from the Farm Property should be used to Property Taxes; and**
4. **For all other orders the Court deems just and proper.**

**SEE ADDITIONAL PAGES**

**Randall D. Coolidge and Tracie Coolidge-Fierro filed Response and Opposition on 9/16/15. Respondents state** on 12/8/14, Petitioner filed I&A Partial No. 1 reflecting two parcels of real property with values of \$50,000.00 and \$150,000.00. This inventory did not include the Farm Property. On 1/13/15, Petitioner filed Corrected I&A Partial No. 1 reflecting only the real property valued at \$50,000.00 and removed reference to the other parcel without explanation. No other property or asset has been inventoried to date.

The Farm Property is comprised of two parcels, one consisting of approx. 15 acres on Fruit Avenue in Fresno County and one consisting of approx. 18 acres on Adams Avenue in Fresno County. Title to both parcels was held of record at the decedent's death as his sole and separate property. Petitioner signed an Interspousal Transfer Deed, which is the last recorded document, confirming the Farm Property as the decedent's separate property. Petitioner acknowledges the Farm Property is held of record as his separate property.

Petitioner has also filed and there has been set for trial a petition for instructions in which Petitioner claims personal ownership of the Farm Property based on a purported unnotarized and unrecorded deed.

Even if Petitioner claims justification for not filing a final inventory until the petition for instructions is ruled on, other assets could and should be inventoried, including separate property farm equipment, vehicles, and a boat. Additionally, Petitioner now alleges that the decedent had ownership in a business which received income from his separate property Farm Property.

Respondents are not opposed to Administrator entering a crop share lease during administration on a year to year basis and expiring 12/31/15 with a 25% crop share rent payable to the landlord as proposed. However, Respondents believe and allege as to any lease:

- a. With record title to the Farm Property in decedent's name as separate property, the lease should name the Administrator of the estate as the landlord and should name and identify the tenant and state the tenant's address, which the proposed lease fails to do;
- b. Paragraph 3a should state a time for payment of the crop share rent;
- c. Paragraph 3b should provide for rent to be paid to the Administrator of the estate;
- d. Paragraph 4b should not provide improvements made belong to the tenant, as the proposed lease states. Any improvements should belong to the landlord.
- e. Respondents are also concerned with and question the provisions of Paragraph 6 requiring the landlord to replace wells when the Administrator has inventoried no assets which are likely to allow such an obligation to be met.

**SEE ADDITIONAL PAGES**

**Respondents state** Petitioner and her attorney have previously refused to disclose to Respondents information concerning the leasing of the Farm Property and the rent. Petitioner, in her deposition taken in estate proceedings, **denied the existence of a lease which she now alleges and states in the Petition to have existed for some years** (emphasis in original). The Court is requested to receive this deposition testimony as evidence and to consider same in ruling on the present petition. See Response for specific details.

**The present petition shows that the petitioner was signed and verified 7/17/15 and filed 8/5/15, prior to Petitioner's 8/7/15 deposition** (emphasis in original). Administrator's deposition testimony contradicts the statements in her present verified petition as to the leasing of the Farm Property. The present petition was verified and filed, but not yet served, so Respondents were not yet aware of it before the deposition. Petitioner and her counsel's refusal to provide information concerning the lease when they had filed this petition was evasive and is conduct that should not be tolerated by a fiduciary and Administrator of the estate.

Petitioner's prior denial of the lease, the refusal of Petitioner and her attorney to provide information not only to the issue of title to the Farm Property, but also to a matter they had filed but not yet served, are evasive actions and conduct, violate Petitioner's fiduciary duties and should be considered by the Court in ruling on the petition and granting any relief to Petitioner.

Respondents state before granting Petitioner any relief, the Court should require Petitioner to submit a full and complete inventory and file an accounting for the rental income alleged to have been received and expenses paid, and order the Administrator to submit to further deposition concerning the Farm Property and lease now alleged and previously denied by Petitioner.

Probate Code §8500(b) authorizes the Court, where the Court believes from credible evidence that grounds for removal exist, to issue a citation to a personal representative to appear and show cause why the personal representative should not be removed. Petitioner's conduct of failing to inventory assets, including the Farm Property, her conflict of interest and pursuit of claims adverse to the interests of the estate, her denial of a lease and refusal to provide information concerning leasing the Farm Property to heirs and interested persons and evasiveness, all provide grounds for removal and provide evidence that removal is necessary for protection of the estate and its beneficiaries.

**Respondents pray for an order of the Court:**

- 1. Instructing that the Farm Property be inventoried as decedent's separate property and an asset of the estate subject to administration and that all rental proceeds be placed in an estate account;**
- 2. Directing Petitioner to file an accounting for the rental and crop share proceeds received since the decedent's death;**
- 3. Directing that the Administrator submit to a further deposition concerning the Farm Property and its leasing;**
- 4. Directing that any crop share lease of the Farm Property be in the name of the Administrator as landlord, that rent be paid to the estate and provide terms as set forth in the Response;**
- 5. Issuing a citation requiring Dianne E. Coolidge show cause why she should not be removed as Administrator;**
- 6. Awarding Respondents their costs and attorneys fees; and**
- 7. For such other and additional orders as the Court deems proper.**



**Ryan Janisse, Attorney for Petitioner, filed Reply to Response on 9/18/15.** Reply states the original Partial I&A included a joint tenancy property which passed by operation of law to Petitioner upon the decedent's death. It was incorrect to include this property; therefore the Corrected Partial I&A was filed. Petitioner has now filed a Partial I&A inventorying farm equipment and vehicles; however, this will be corrected due to errors.

Petitioner acknowledges that she has not yet inventoried the boat, but Objectors inclusion of this as an issue is disingenuous. Petitioner inquired about the boat at the deposition of the decedent's brother, who did not respond to inquiries. Petitioner will inventory this asset even though the information she has is left wanting.

Petitioner has not yet inventoried the Farm Property but did file a Petition for Instructions as to whether it is an estate asset. It would be an exercise in futility to inventory or attempt to administer an asset where it is unclear whether it is or not.

Regarding the lease: The lease was drafted as Dianne Coolidge, individually, or Dianne Coolidge as Administrator. It makes no sense to name the administrator as landlord only. It could create obligations for the estate for land it does not own and subject the estate to liability. Petitioner is agreeable to adding the tenant's name and address and a time frame for payments.

Petitioner submits that requiring payment to the administrator of the estate does not make sense unless the Farm Property is an asset, as this could create tax issues and delay administration. The provision regarding improvements is consistent with the oral agreement. Notwithstanding, Petitioner proposes to revise it to provide that Tenant takes the property as is and to return it to the landlord in the same condition, reasonable wear and tear excepted.

Petitioner is concerned regarding the lease as well; however, no tenant on a one year lease is going to undertake a drilling a new well or repairing subsurface construction. Petitioner proposes to add language that the landlord is not liable for damage caused if the well fails and makes no guarantee re quantity or quality of water. If the well fails, the landlord is not liable for damage.

See Reply regarding the purported refusal to provide information re the lease and request for removal. Reply states the fact of the matter is that in five weeks a trial will take place to determine whether the Farm Property is an asset of the estate. If the joint tenancy deed is found valid, the estate will be in a condition to close. If the joint tenancy deed is invalid, it will be inventoried and administered and closed in due course. If Objectors believe cause exists to remove Petitioner, they can bring a proper petition to do so.

Attorney Janisse, Ryan M. (for Dianne E. Coolidge, Administrator)

## Probate Status Hearing Re: Filing of the First Account and/or Final Distribution

|                           |  |   |
|---------------------------|--|---|
| <b>DOD: 2/18/2014</b>     | <p><b>DIANNE E. COOLIDGE</b>, spouse, was appointed Administrator with Limited IAEA with bond of <b>\$27,000.00</b>.</p> <p><b>Letters issued on 10/14/2014.</b></p> <p><b>Pursuant to Probate Code § 8800(b)</b>, <i>Corrected Final Inventory and Appraisal</i> was due filed 1/13/2015 showing an estate value of <b>\$50,000.00</b>.</p> <p><b>Pursuant to Probate Code § 12200</b>, first account and/or petition for final distribution is due <b>10/14/2015</b>.</p> <p><b>Minute Order dated 7/9/2014</b> from the hearing on the petition for letters of administration set this status hearing on 9/9/2015 for filing of the first account and/or petition for final distribution.</p> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u><b>Note:</b></u> Because Letters did not issue until 10/14/15 (due to amended order), the account is not due until 10/14/15.</p> |
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|                           |  |   |
| Cont. from 090915, 092115 |  |   |
| Aff.Sub.Wit.              |  |   |
| Verified                  |  |   |
| Inventory                 |  |   |
| PTC                       |  |   |
| Not.Cred.                 |  |   |
| Notice of Hrg             |  |   |
| Aff.Mail                  |  |   |
| Aff.Pub.                  |  |   |
| Sp.Ntc.                   |  |   |
| Pers.Serv.                |  |   |
| Conf. Screen              |  |   |
| Letters                   |  |   |
| Duties/Supp               |  |   |
| Objections                |  |   |
| Video Receipt             |  |   |
| CI Report                 |  |   |
| 9202                      |  |   |
| Order                     |  |   |
| Aff. Posting              |  |   |
| Status Rpt                |  |   |
| UCCJEA                    |  |   |
| Citation                  |  |   |
| FTB Notice                |  |   |
|                           | <p><b>Reviewed by:</b> LEG / skc</p> <p><b>Reviewed on:</b> 9/24/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 26B - Coolidge</b></p>   |   |